

No. 13-4206

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

U.S. COMMODITY FUTURES TRADING COMMISSION,

Plaintiff-Appellee,

v.

PARNON ENERGY INC., ARCADIA PETROLEUM LTD., ARCADIA ENERGY (SUISSE) SA, NICHOLAS J. WILDGOOSE, JAMES T. DYER,

Defendants-Appellees,

v.

CASTLETON COMMODITIES INTERNATIONAL LLC, VITOL INC., VITOL CAPITAL MANAGEMENT LTD., PLAINS ALL AMERICAN PIPELINE, LP,

Appellants.

On Appeal from the United States District Court for the Southern District of New York, No. 11-Civ.-3543, the Hon. William H. Pauley III, U.S. District Court Judge

ADDENDUM A TO FORM C

TABLE OF CONTENTS

1. Brief Description of the Nature of the Action and the Result Below
2. Notice of Appeal (**Exhibit A**)
3. Docket Sheet in *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY) (**Exhibit B**)
4. Memorandum & Order of Judge Pauley in *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY), October 25, 2013, Dkt. 139 (**Exhibit C**)
5. Order of Judge Pauley directing third parties to file objections to Putative Class Plaintiff's First Request for the Production of Documents in *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY), June 11, 2013, Dkt. 67 (**Exhibit D**)
6. Memorandum & Order of Judge Pauley, in *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY), November 8, 2013, Dkt. 149 (**Exhibit E**)

(1) Brief Description of the Nature of the Action

Petitioner Plains All American Pipeline, LP (“Plains”), Castleton Commodities International LLC, Vitol, Inc. and Vitol Capital Management Ltd. (collectively “Non-Party Objectors”) are appealing the District Court’s Memorandum & Order of October 25, 2013 in *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY) (the “CFTC Action”) granting in part and denying in part the non-party objections to, and motion for a protective order concerning, Putative Class Plaintiffs’ First Request for the Production of Documents (the “Order”). Dkt. No. 139.

The Non-Party Objectors are not parties to the above captioned litigation, but are rather entities whose proprietary, confidential information is being produced to third parties in the CFTC Action and a related class action by entities that have no interest in protecting the Non-Party Objectors’ sensitive information. On May 24, 2011 the U.S. Commodity Futures Trading Commission (“CFTC”) filed suit against Parnon Energy Inc. (“Parnon”), Arcadia Petroleum, Ltd., Arcadia Energy (Suisse), SA, Nicholas J. Wildgoose, and James T. Dyer (collectively, “Defendants”) alleging that from late 2007 to April 2008, the Defendants orchestrated a scheme to manipulate the price of crude oil. Dkt. No. 51. In connection with the CFTC’s multi-year investigation, the CFTC obtained approximately 5 million documents containing confidential and proprietary information of non-parties, including the Non-Party Objectors. The productions of the Non-Party Objectors included many documents that are not relevant to the claims asserted in the CFTC Action, and were produced subject to requests for confidential treatment and with timely filed notices with the CFTC’s Freedom of Information Act (“FOIA”) compliance office.

Nevertheless, in June 2012, the Defendants sought discovery of the various non-parties’ documents from the CFTC rather than from the non-parties directly. Dkt. No. 58. In May 2013, the Non-Party Objectors learned that their documents had been disclosed to Defendants, and that plaintiffs in a related class action were also seeking discovery of their materials. On June 11, 2013, in the Class Action, the SDNY ordered that the non-parties submit to the Court any objections to the production of the information the non-parties gave the CFTC. Dkt. No. 67; Class Action Dkt. No. 96.

On June 21, 2013 the Non-Party Objectors filed their objections to the blanket production of their materials to the Class Action plaintiffs and a motion for a protective order (the “Objections”). Dkt. Nos. 88-89; Class Action Dkt. Nos. 117-118. Plains additionally filed a request for a modification of the provisions of

the Protective Order in the CFTC Action. Dkt. No. 88-89; Class Action Dkt. No. 117-118.

(2) Result Below

On October 25, 2013 the District Court issued an Order granting in part and denying in part the motion for a protective order, and ordered the production of all non-party materials in Defendants' possession to class action plaintiffs, subject to a slight modification of the Protective Order. Dkt. No. 139; Class Action Dkt. No. 160. On October 30, 2013, Plains filed a Notice of Appeal of the District Court's Order and a Motion to Stay the Order pending expedited appeal. Dkt. No. 141-142; Class Action Dkt. No. 167. On November 8, 2013, the District Court denied that request.

(3) Notice of Appeal and Lower Court Docket Sheet

A copy of the notice of appeal (without attachments), and a current copy of the lower court docket sheet, is appended hereto as Exhibits A and B, respectively.

(4) Relevant Opinions/Orders Forming the Basis for This Appeal

A copy of the final district court order appealed from is appended hereto as Exhibit C. Also attached are copies of the district court order directing third parties to file objections to Putative Class Plaintiffs' First Request for the Production of Documents and the district court order denying the motion for a stay of its October 25 order, appended hereto as Exhibits D and E, respectively.

Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

PARNON ENERGY INC., ET AL.,
Defendants.

No. 11 Civ. 3543 (WHP)

AND

IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION

This Document Relates To:
All Actions

MASTER FILE
No. 11 Civ. 3600 (WHP)

NOTICE OF APPEAL

Notice is hereby given that non-party objectors Plains All American Pipeline, L.P. (“Plains”), Castleton Commodities International LLC, Vitol, Inc. and Vitol Capital Management, Ltd. (collectively “Non-Party Objectors”), hereby appeal to the United States Court of Appeals for the Second Circuit from the Court’s October 25, 2013 Memorandum & Order (Dkt No. 139, *U.S. Commodity Futures Trading Commission v. Parnon Energy, et al.*, No. 11 Civ. 3543 (WHP) (SDNY); Dkt. No. 160, *In re: Crude Oil Commodity Futures Litigation*, No. 11 Civ. 3600 (WHP) (SDNY)), granting in part and denying in part the non-party objections to, and motion for a protective order concerning, Putative Class Plaintiffs’ First Request for the Production of Documents.¹

¹ Because the Court’s discovery order is directed to Defendants in Case No. 11 Civ. 3600 (WHP) – and not the non-party objectors – and requires Defendants to produce documents in their possession that contain highly proprietary and confidential information of the non-party objectors, and because the discovery order finally resolves an issue that is separate from the

Dated: October 30, 2013

Respectfully submitted,

SUTHERLAND ASBILL & BRENNAN
LLP

By: /s/ Peter Ligh
1114 Avenue of the Americas
40th Flr.
New York, NY 10036
Tel: (212) 389-5000 x5029
Fax: (212) 389-5099
Email: peter.ligh@sutherland.com

Of Counsel:

Greg Kaufman
700 Sixth St. NW, Suite 700
Washington, DC 20001
Tel: (202) 383-0325
Email: greg.kaufman@sutherland.com

*Attorneys for Castleton Commodities
International LLC*

VINSON & ELKINS, LLP

By: /s/ Hilary Preston
Hilary Preston
Armita S. Cohen
666 Fifth Avenue
26th Floor
New York, NY 10103-0040
Tel: 212.237.0000
Fax: 212.237.0100
Email: hpreston@velaw.com
Email: acohen@velaw.com

Crystal N. Y'Barbo (admitted *pro hac vice*)
2200 Pennsylvania Ave., Suite 500 W.
Washington, D.C. 20037-1701
Tel: 202.639.6500
Fax: 202.879.8861
Email: cybarbo@velaw.com

Of Counsel:

James D. Thompson
Phillip B. Dye
Gwen Samora
1001 Fannin Street, Suite 2500
Houston, Texas 77002
Tel: 713.758.4502
Fax: 713.615.5765
Email: jthompson@velaw.com
Email: pdye@velaw.com
Email: gsamora@ylaw.com

Attorneys for Plains All American Pipeline, L.P.

merits of the underlying action and that will effectively be unreviewable on appeal from a final judgment, the Court's October 25, 2013 Memorandum & Order is immediately appealable under collateral order doctrine of *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541 (1949). See *EM Ltd. v. Republic of Argentina*, 695 F.3d 201, 205-06 (2d Cir. 2012); see also *Church of Scientology of Cal. v. United States*, 506 U.S. 9, 18 & n.11 (1993); *Perlman v. United States*, 247 U.S. 7, 12-13 (1918); *In re Air Crash at Bell Harbor*, 490 F.3d 99, 106 (2d Cir. 2006) (recognizing that the holder of an asserted privilege may immediately appeal the enforcement of a subpoena when the subpoena is directed at another person who does not object to providing the testimony or documents at issue).

SUTHERLAND ASBILL & BRENNAN
LLP

/s/ David P. Langlois
David P. Langlois
Grace Building
1114 Avenue of the Americas
40th Floor
New York, NY 10036
(t): 212.389.5007
(f): 212.389.5099
david.langlois@sutherland.com

Of Counsel:

Keith J. Barnett (Pro Hac Vice
Application To Be Filed)
Georgia Bar No. 142340
999 Peachtree Street, NE
Suite 2300
Atlanta, GA 30309
(t): 404.853.8000
(f): 404.853.8806
keith.barnett@sutherland.com

*Attorneys for Vitol, Inc., Vitol Capital
Management, Ltd., and Vitol S.A.*

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2013, the foregoing Notice of Appeal was filed using the CM/ECF system, which will automatically send electronic mail notification of such filing to all parties of record.

/s/ Hilary Preston
Hilary Preston

Exhibit B

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:11-cv-03543-WHP

U.S. Commodity Futures Trading Commission v. Parnon Energy Inc. et al

Assigned to: Judge William H. Pauley, III

Related Cases: [1:11-cv-03629-WHP](#)

[1:11-cv-03637-WHP](#)

[1:11-cv-03939-WHP](#)

[1:11-cv-03969-WHP](#)

[1:11-cv-04110-WHP](#)

[1:11-cv-03600-WHP](#)

[1:11-cv-03679-WHP](#)

[1:11-cv-05569-WHP](#)

[1:11-cv-03769-WHP](#)

[1:11-cv-03895-WHP](#)

[1:11-cv-04279-WHP](#)

[1:11-cv-03606-WHP](#)

[1:11-cv-04309-WHP](#)

[1:11-cv-05426-WHP](#)

Date Filed: 05/24/2011

Jury Demand: Defendant

Nature of Suit: 850 Securities/Commodities

Jurisdiction: U.S. Government Plaintiff

Cause: 7:6(b) Federal Commodity Exchange Regulation

Plaintiff

**U.S. Commodity Futures Trading
Commission**

represented by **Christine M. Ryall**

U.S. Commodity Futures Trading

Commission

Division of Enforcement, 1155 21st St.

N.W.

Washington, DC 200581

(202) 418-5318

Fax: (202) 418-5523

Email: cryall@cftc.gov

ATTORNEY TO BE NOTICED

Elizabeth Davis

U.S. Commodity Futures Trading

Commission (DC)

1155 21st Street NW

Washington, DC 20581

(202)-418-5301

Fax: (202)-418-5523

Email: edavis@cftc.gov

ATTORNEY TO BE NOTICED

Gregory Scopino

U.S. Commodity Futures Trading
Commission

1155 21st Street, N.W.
Washington, DC 20581

202-418-5175

Fax: 202-418-5519

Email: gscopino@cftc.gov

TERMINATED: 07/22/2013

Jennifer Ann Diamantis

Division of Enforcement Commodities
Futures Trading Commissi

1155 21st Street, N.W.
Washington, DC 20581

202-418-5334

Fax: 202-418-5523

Email: jdiamantis@cftc.gov

TERMINATED: 12/09/2011

PRO HAC VICE

Joan Manley

Commodity Futures Trading Commission
(DC)

1155 21st Street, N.W.
Washington, DC 20581

(202) 418-5334

Fax: (202) 418-5523

ATTORNEY TO BE NOTICED

John Einstman

U.S. Commodity Futures Trading
Commission (DC)

1155 21st Street NW
Washington, DC 20581

(202)-418-5337

Fax: (202)-418-5987

Email: jeinstman@cftc.gov

ATTORNEY TO BE NOTICED

Jonathan Persons Robell

Commodity Futures Trading Commission
(DC)
1155 21st Street, N.W.
Washington, DC 20581
(202)-418-6710
Fax: (202)-418-5538
Email: jrobell@cftc.gov

ATTORNEY TO BE NOTICED

Luke Blair Marsh

U.S. Commodity Futures Trading
Commission
1155 21st Street, Nw
Washington, DC 20581
(202) 418-5322
Email: lmarsb@cftc.gov
PRO HAC VICE
ATTORNEY TO BE NOTICED

Melanie Theobald Devoe

Division of Enforcement Commodities
Futures Trading Commissi
1155 21st Street, N.W.
Washington, DC 20581
202-418-5175
Fax: 202-418-5519
Email: mdevoe@cftc.gov
ATTORNEY TO BE NOTICED

Paul G. Hayeck

U.S. Division of Enforcement
Three Lafayette Centre
1155 21st Street, N.W.,
Washington, DC 20581
(202)-418-5312
Fax: (202)-418-5523
Email: phayeck@cftc.gov
ATTORNEY TO BE NOTICED

Saadeh Al-Jurf

Division of Enforcement Commodities
Futures Trading Commissi
1155 21st Street, N.W.
Washington, DC 20581

202-418-5175
Fax: 202-418-5519
Email: sal-jurf@cftc.gov
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Parnon Energy Inc.

represented by **Brigitte T. Kocheny**
Winston & Strawn LLP (IL)
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600
Fax: (312) 558-5700
Email: bkocheny@winston.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth M. Bradshaw
Winston & Strawn LLP (IL)
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600
Fax: (312) 558-5600
Email: ebradshaw@winston.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Fred F. Fielding
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 739-3000
Fax: (202) 739-3001
PRO HAC VICE
ATTORNEY TO BE NOTICED

Levi McAllister
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 739-5837
Fax: (202) 739-3001
PRO HAC VICE

ATTORNEY TO BE NOTICED

Mark R. Haskell

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, NW
Washington, DC 20004
(202) 739-5766
Fax: (202) 739-3001
PRO HAC VICE
ATTORNEY TO BE NOTICED

Timothy J. Carey

Winston & Strawn LLP (IL)
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600
Fax: (312) 558-5700
Email: tjcarey@winston.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

Arcadia Petroleum Ltd.

represented by **Brigitte T. Kocheny**

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth M. Bradshaw

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Fred F. Fielding

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Levi McAllister

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark R. Haskell

(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

Timothy J. Carey

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Defendant

Arcadia Energy (Suisse) SA

represented by **Brigitte T. Kocheny**

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Elizabeth M. Bradshaw

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Fred F. Fielding

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Levi McAllister

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Mark R. Haskell

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Timothy J. Carey

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Defendant

Nicholas J. Wildgoose

represented by **Brigitte T. Kocheny**

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Elizabeth M. Bradshaw

(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Fred F. Fielding
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Levi McAllister
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark R. Haskell
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Timothy J. Carey
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Defendant

James T. Dyer

represented by **Brigitte T. Kocheny**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Elizabeth M. Bradshaw
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Fred F. Fielding
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Levi McAllister
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark R. Haskell
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Timothy J. Carey
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

ADR Provider

**Castleton Commodities International
LLC**

represented by **Peter Ligh**
Sutherland Asbil & Brennan, LLP(NYC)
1114 Avenue of the Americas
40th Flr.
New York, NY 10036
(212) 389-5000 x5029
Fax: (212) 389-5099
Email: peter.ligh@sutherland.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Armita Schacht Cohen
Vinson & Elkins, (NY)
666 Fifth Avenue, 26th Flr
New York, NY 10103
(212) 237-0000
Fax: (212) 237-0100
Email: acohen@velaw.com
ATTORNEY TO BE NOTICED

Gregory Kaufman
Sutherland Asbill & Brennan LLP (DC)
700 Sixth St. NW, Suite 700
Washington, DC 20001
(202) 383-0325
Email: greg.kaufman@sutherland.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

ADR Provider

Noble Americas Corp.

represented by **Peter Ligh**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregory Kaufman
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

ADR Provider

Vitol S.A.

represented by **David Peter Langlois**
Sutherland Asbil & Brennan, LLP(NYC)
1114 Avenue of the Americas
40th Flr.
New York, NY 10036
212-389-5007
Fax: 212-389-5087
Email: david.langlois@sutherland.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Keith Jerrod Barnett
Sutherland Asbill & Brennan LLP
999 Peachtree Street, NE
Atlanta, GA 30309
(404)-853-8384
Fax: (404)-853-8806
Email: keith.barnett@sutherland.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

ADR Provider

Vitol, Inc.

represented by **David Peter Langlois**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Armita Schacht Cohen
(See above for address)
ATTORNEY TO BE NOTICED

Keith Jerrod Barnett
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

ADR Provider

Vitol Capital Management Ltd.

represented by **David Peter Langlois**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Armita Schacht Cohen
(See above for address)
ATTORNEY TO BE NOTICED

Keith Jerrod Barnett
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Objector

Gavilon, LLC

represented by **Anthony M. Mansfield**
Cadwalader, Wickersham & Taft, LLP
(DC)
700 6th Street
N.W.
Washington, DC 20001
(202)-862-2321
Fax: (202)-862-2400
Email: anthony.mansfield@cwt.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joshua Lane Shapiro
Cadwalader, Wickersham & Taft LLP
(NYC)
One World Financial Center
New York, NY 10281
(212)-504-5575
Fax: (212)-504-6666
Email: joshua.shapiro@cwt.com
ATTORNEY TO BE NOTICED

Objector

Morgan Stanley Capital Group, Inc.

represented by **Anthony M. Mansfield**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joshua Lane Shapiro
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Shell Oil Company

represented by **Anthony M. Mansfield**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joshua Lane Shapiro
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Chevron U.S.A. Inc.

Objector

Valero Energy Corporation

Objector

Valero Marketing and Supply Company

Objector

ConAgra Foods, Inc.

represented by **Anthony M. Mansfield**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Joshua Lane Shapiro
(See above for address)
ATTORNEY TO BE NOTICED

Objector

Chevron Products Company

represented by **Tracy V. Schaffer**
Jones Day (NYC)
222 East 41st Street
New York, NY 10017
(212)-326-3427
Fax: (212)-755-7306
Email: tschaffer@jonesday.com
LEAD ATTORNEY

V.

Miscellaneous

Plains All American Pipeline, LP

represented by **Hilary Lovett Preston**
Vinson & Elkins L.L.P.
666 Fifth Avenue, 26th Floor
New York 10103
212-237-0066
Fax: 917-849-5387
Email: hpreston@velaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Armita Schacht Cohen
(See above for address)
ATTORNEY TO BE NOTICED

Crystal N. Y'Barbo
Vinson & Elkins L.L.P. (Washington D.C.)
2200 Pennsylvania Ave., NW
Washington, DC 20004
(202)-639-6538
Fax: (202)-879-8861
Email: cybarbo@velaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Marisa Antos-Fallon
Vinson & Elkins, LLP
666 Fifth Avenue
New York, NY 10103
(212)-237-0151
Fax: (917) 849-5396
Email: mantos-fallon@velaw.com
ATTORNEY TO BE NOTICED

Interested Party

MacQuarie Bank Limited

represented by **Eric Carl Schmale**
Gibson, Dunn & Crutcher, LLP (DC)
1050 Connecticut Avenue, N.W.
Washington, DC 20036
(202)-887-3539

Fax: (202)-530-4240

Email: eschmale@gibsondunn.com

*ATTORNEY TO BE NOTICED***William S Scherman**

Gibson, Dunn & Crutcher, LLP (DC)

1050 Connecticut Avenue, N.W.

Washington, DC 20036

(202) 887-3510

Fax: (202) 530-9557

*PRO HAC VICE**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/24/2011	1	COMPLAINT against Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. Document filed by U.S. Commodity Futures Trading Commission.(ama) (Entered: 05/25/2011)
05/24/2011		SUMMONS ISSUED as to Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (ama) (Entered: 05/25/2011)
05/24/2011		Magistrate Judge Michael H. Dolinger is so designated. (ama) (Entered: 05/25/2011)
05/24/2011		Case Designated ECF. (ama) (Entered: 05/25/2011)
06/03/2011	2	MOTION for Christine Ryall, Joan Manley, Paul G. Hayeck, Jennifer Diamantis to Appear Pro Hac Vice. Document filed by U.S. Commodity Futures Trading Commission.(pgu) (Entered: 06/07/2011)
06/07/2011	3	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/16/2011 at 11:30 AM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 6/7/2011) (jfè) (Entered: 06/08/2011)
06/09/2011	4	WAIVER OF SERVICE RETURNED EXECUTED. Document filed by U.S. Commodity Futures Trading Commission. (Scopino, Gregory) (Entered: 06/09/2011)
06/09/2011	5	WAIVER OF SERVICE RETURNED EXECUTED. Document filed by U.S. Commodity Futures Trading Commission. (Scopino, Gregory) (Entered: 06/09/2011)
06/09/2011	6	WAIVER OF SERVICE RETURNED EXECUTED. Document filed by U.S. Commodity Futures Trading Commission. (Scopino, Gregory) (Entered: 06/09/2011)
06/09/2011	7	WAIVER OF SERVICE RETURNED EXECUTED. Document filed by U.S. Commodity Futures Trading Commission. (Scopino, Gregory) (Entered: 06/09/2011)
06/09/2011	8	WAIVER OF SERVICE RETURNED EXECUTED. Document filed by U.S.

		Commodity Futures Trading Commission. (Scopino, Gregory) (Entered: 06/09/2011)
06/14/2011	9	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 2 Motion for Jennifer Diamantis to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/14/2011) (mbe) (Entered: 06/15/2011)
06/14/2011	10	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: It is hereby Ordered that Paul G. Hayeck from the U.S. Commodity Futures Trading Commission be admitted pro hac vice. (Signed by Judge William H. Pauley, III on 6/14/2011) (mbe) (Entered: 06/15/2011)
06/14/2011	11	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: It is hereby Ordered that Joan Manley from the U.S. Commodity Futures Trading Commission be admitted Pro hac vice as counsel for the plaintiff. (Signed by Judge William H. Pauley, III on 6/14/2011) (mbe) (Entered: 06/15/2011)
06/14/2011	12	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: It is hereby ordered that Christine Ryall is admitted pro hac vice as counsel for plaintiff. (Signed by Judge William H. Pauley, III on 6/14/2011) (mbe) (Entered: 06/15/2011)
06/17/2011	13	MOTION for Timothy J. Carey to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 06/17/2011)
06/17/2011	14	MOTION for Brigitte T. Kocheny to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 06/17/2011)
06/17/2011	15	MOTION for Elizabeth M. Bradshaw to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 06/17/2011)
06/17/2011	16	MOTION for Saadeh Al-Jurf to Appear Pro Hac Vice. Document filed by U.S. Commodity Futures Trading Commission.(pgu) (Entered: 06/20/2011)
06/17/2011	17	MOTION for Melanie Devoe to Appear Pro Hac Vice. Document filed by U.S. Commodity Futures Trading Commission.(pgu) (Entered: 06/20/2011)
06/22/2011		CASHIERS OFFICE REMARK on 15 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/16/2011, Receipt Number 9507. (jd) (Entered: 06/22/2011)
06/22/2011		CASHIERS OFFICE REMARK on 13 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/16/2011, Receipt Number 9511. (jd) (Entered: 06/22/2011)
06/22/2011		CASHIERS OFFICE REMARK on 14 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/16/2011, Receipt Number 9509. (jd) (Entered: 06/22/2011)
06/22/2011	18	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 14 Motion for Brigitte T. Kocheny to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/22/2011) (jfe) (Entered: 06/23/2011)

06/22/2011	19	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 13 Motion for Timothy J. Carey to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/22/2011) (jfe) (Entered: 06/23/2011)
06/22/2011	20	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 15 Motion for Elizabeth M. Bradshaw to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/22/2011) (jfe) (Entered: 06/23/2011)
06/22/2011	21	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 16 Motion for Saadeh Al-Jurf to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/22/2011) (jfe) (Entered: 06/23/2011)
06/22/2011	22	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: granting 17 Motion for Melanie Devoe to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/22/2011) (jfe) (Entered: 06/23/2011)
08/03/2011	23	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Farahead Holdings Ltd. as Corporate Parent. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Parnon Energy Inc..(Bradshaw, Elizabeth) (Entered: 08/03/2011)
08/15/2011	24	MOTION for Fred F. Fielding to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 08/15/2011)
08/15/2011	25	MOTION for Mark R. Haskell to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 08/15/2011)
08/15/2011	26	MOTION for Levi McAllister to Appear Pro Hac Vice. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(pgu) (Entered: 08/15/2011)
08/17/2011	27	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/16/2011 at 11:30 AM in Courtroom 11D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 8/16/2011) (mro) (Entered: 08/17/2011)
08/22/2011	28	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Jennifer A. Diamantis to Withdraw as Attorney <i>Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff</i> . Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Text of Proposed Order Proposed Order, # 2 Affidavit Declaration in Support of Motion for Withdrawal of Appearance)(Diamantis, Jennifer) Modified on 8/23/2011 (db). (Entered: 08/22/2011)
08/22/2011		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jennifer Ann Diamantis to RE-FILE Document 28 MOTION for Jennifer A. Diamantis to Withdraw as Attorney <i>Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff</i> . ERROR(S):

		Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 08/23/2011)
08/25/2011		CASHIERS OFFICE REMARK on 26 Motion to Appear Pro Hac Vice, 25 Motion to Appear Pro Hac Vice, 24 Motion to Appear Pro Hac Vice in the amount of \$600.00, paid on 08/15/2011, Receipt Number 1014009. (jd) (Entered: 08/25/2011)
08/25/2011	29	MOTION for Jennifer Ann Diamantis to Withdraw as Attorney <i>Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff.</i> Document filed by U.S. Commodity Futures Trading Commission.(Diamantis, Jennifer) (Entered: 08/25/2011)
08/25/2011	30	DECLARATION of Jennifer A. Diamantis in Support re: 29 MOTION for Jennifer Ann Diamantis to Withdraw as Attorney <i>Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff..</i> Document filed by U.S. Commodity Futures Trading Commission. (Diamantis, Jennifer) (Entered: 08/25/2011)
09/01/2011	31	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting 24 Motion for Fred F. Fielding to Appear Pro Hac Vice. It is hereby Ordered that Fred F. Fielding is admitted to practice pro hac vice as counsel for all defendants. (Signed by Judge William H. Pauley, III on 9/1/2011) (mro) (Entered: 09/02/2011)
09/01/2011	32	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting 26 Motion for Levi McAllister to Appear Pro Hac Vice. It is hereby Ordered that Levi McAllister is admitted to practice pro hac vice as counsel for all defendants. (Signed by Judge William H. Pauley, III on 9/1/2011) (mro) (Entered: 09/02/2011)
09/01/2011	33	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting 25 Motion for Mark R. Haskell to Appear Pro Hac Vice. It is hereby Ordered that Mark R. Haskell is admitted to practice pro hac vice as counsel for all defendants. (Signed by Judge William H. Pauley, III on 9/1/2011) (mro) (Entered: 09/02/2011)
09/01/2011	34	ENDORSED LETTER addressed to Judge William H. Pauley III from Timothy J. Carey dated 7/29/2011 re: Counsel for the Defendants writes to request that a pre-motion conference be scheduled. ENDORSEMENT: Application granted. A pre-motion conference will be held on 9/16/2011 at 10:30 AM. The initial pretrial conference will move from 11:30 AM to 10:30 AM. (Initial Conference set for 9/16/2011 at 10:30 AM and Pre-Motion Conference set for 9/16/2011 at 10:30 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 9/1/2011) (ab) (Entered: 09/02/2011)
09/09/2011	35	RULE 26(f) DISCOVERY PLAN REPORT.Document filed by U.S. Commodity Futures Trading Commission.(Hayeck, Paul) (Entered: 09/09/2011)
09/21/2011	36	SCHEDULING ORDER: The parties having appeared for an initial pretrial conference on September 16, 2011, the following scheduling order is entered on consent. Defendants shall file their motion to dismiss by September 30, 2011; Plaintiffs shall file their opposition by October 28, 2011; A reply shall be filed by November 18, 2011; The parties are permitted 30 pages for their opening and opposing briefs, Defendants

		are permitted 15 pages for their reply; Oral argument will be heard on December 9, 2011 at 10:30 a.m.; and Discovery is stayed until the resolution of Defendants' motion. (Signed by Judge William H. Pauley, III on 9/21/2011) (mro) (Entered: 09/22/2011)
09/22/2011	37	MOTION for Elizabeth Davis & John Einstman to Appear Pro Hac Vice. Document filed by U.S. Commodity Futures Trading Commission.(pgu) (Entered: 09/23/2011)
09/28/2011	38	TRANSCRIPT of Proceedings re: Conference held on 9/16/2011 before Judge William H. Pauley, III. Court Reporter/Transcriber: Thomas Murray, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/24/2011. Redacted Transcript Deadline set for 11/3/2011. Release of Transcript Restriction set for 12/30/2011.(McGuirk, Kelly) (Entered: 09/28/2011)
09/28/2011	39	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/16/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/28/2011)
09/29/2011	40	MOTION to Dismiss. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. Return Date set for 12/9/2011 at 10:30 AM.(Carey, Timothy) (Entered: 09/29/2011)
09/29/2011	41	DECLARATION of Timothy J. Carey in Support re: 40 MOTION to Dismiss.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E - Part 1, # 6 Exhibit E - Part 2, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O)(Carey, Timothy) (Entered: 09/29/2011)
09/29/2011	42	***STRICKEN DOCUMENT. Deleted document number 42 from the case record. The document was stricken from this case pursuant to 43 Order Striking Document from Record. MEMORANDUM OF LAW in Support re: 40 MOTION to Dismiss.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Carey, Timothy) (Entered: 09/29/2011)
10/03/2011	43	ORDER: Defendants' Memorandum of Law in Support of Defendants' Motion to Dismiss fails to comply with this Court's Individual Practices Rule 3-D. Accordingly, the Clerk of the Court is directed to strike Docket Entry No. 42. Defendants are directed to file a conforming memorandum by 5:00p.m. on October 5, 2011. (Signed by Judge William H. Pauley, III on 10/3/2011) (ft) (Entered: 10/03/2011)
10/03/2011		***STRICKEN DOCUMENT. Deleted document number 42 from the case record.

		The document was stricken from this case pursuant to 43 Order Striking Document from Record. (ft) (Entered: 10/03/2011)
10/04/2011	44	MEMORANDUM OF LAW in Support re: 40 MOTION to Dismiss.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Carey, Timothy) (Entered: 10/04/2011)
10/12/2011	45	ORDER FOR ADMISSION PRO HAC VICE granting 37 Motion for John Einstman to Appear Pro Hac Vice as counsel for Plaintiff U.S. Commodity Futures Trading Commission. (Signed by Judge William H. Pauley, III on 10/12/2011) (ab) (Entered: 10/13/2011)
10/12/2011	46	ORDER FOR ADMISSION PRO HAC VICE granting 37 Motion for Elizabeth Davis to Appear Pro Hac Vice as counsel for Plaintiff U.S. Commodity Futures Trading Commission. (Signed by Judge William H. Pauley, III on 10/12/2011) (ab) (Entered: 10/13/2011)
10/28/2011	47	MEMORANDUM OF LAW in Opposition re: 40 MOTION to Dismiss.. Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Exhibit Ex. 1, # 2 Exhibit Ex. 2, # 3 Exhibit Ex. 3, part 1, # 4 Exhibit Ex. 3, part 2, # 5 Exhibit Ex. 3, part 3, # 6 Exhibit Ex. 3, part 4, # 7 Exhibit Ex. 3, part 5, # 8 Exhibit Ex. 4, # 9 Exhibit Ex. 5)(Ryall, Christine) (Entered: 10/28/2011)
11/18/2011	48	DECLARATION of Timothy J. Carey in Support re: 40 MOTION to Dismiss.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Attachments: # 1 Exhibit P, # 2 Exhibit Q, # 3 Exhibit R, # 4 Exhibit S)(Carey, Timothy) (Entered: 11/18/2011)
11/18/2011	49	REPLY MEMORANDUM OF LAW in Support re: 40 MOTION to Dismiss.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Carey, Timothy) (Entered: 11/18/2011)
12/09/2011	50	ORDER granting 29 Motion to Withdraw as Attorney. It is hereby ordered that the motion is granted and Jennifer A. Diamantis shall be removed as co-counsel pro hac vice for Plaintiff Commodity Futures Commission effective 8/26/2011. Attorney Jennifer Ann Diamantis terminated (Signed by Judge William H. Pauley, III on 12/9/2011) (tro) (Entered: 12/12/2011)
12/09/2011		Minute Entry for proceedings held before Judge William H. Pauley, III: Oral Argument held on 12/9/2011. (mro) (Entered: 01/11/2012)
04/26/2012	51	MEMORANDUM & ORDER denying 40 Motion to Dismiss. For the reasons set forth in this Order, Defendants' motion to dismiss is denied. The Clerk of the Court is directed to terminate the motion pending at ECF No. 40. (Signed by Judge William H. Pauley, III on 4/26/2012) (tro) (Entered: 04/26/2012)
05/08/2012	52	STIPULATION AND ORDER: Arcadia Energy (Suisse) SA answer due 5/31/2012; Arcadia Petroleum Ltd. answer due 5/31/2012; James T. Dyer answer due 5/31/2012;

		Parnon Energy Inc. answer due 5/31/2012; Nicholas J. Wildgoose answer due 5/31/2012. (Signed by Judge William H. Pauley, III on 5/8/2012) (djc) (Entered: 05/08/2012)
05/18/2012	<u>53</u>	NOTICE OF CHANGE OF ADDRESS by Elizabeth M. Bradshaw on behalf of Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. New Address: Winston & Strawn LLP, 35 W Wacker Dr., Chicago, IL, 60601, 312-558-5600. (Bradshaw, Elizabeth) (Entered: 05/18/2012)
05/18/2012	<u>54</u>	NOTICE OF CHANGE OF ADDRESS by Timothy J. Carey on behalf of Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. New Address: Winston & Strawn LLP, 35 W. Wacker Dr., Chicago, IL, 60601, 312-558-5600. (Carey, Timothy) (Entered: 05/18/2012)
05/18/2012	<u>55</u>	NOTICE OF CHANGE OF ADDRESS by Brigitte T. Kocheny on behalf of Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. New Address: Winston & Strawn LLP, 35 W. Wacker Dr., Chicago, IL, 60601, 312-558-5600. (Kocheny, Brigitte) (Entered: 05/18/2012)
05/31/2012	<u>56</u>	ANSWER to <u>1</u> Complaint with JURY DEMAND. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(Carey, Timothy) (Entered: 05/31/2012)
06/01/2012	<u>57</u>	CERTIFICATE OF SERVICE served on Joan Manley, Commodity Futures Trading Commission, Fred Fielding, Mark Haskell, Levi McAllister of Morgan, Lewis & Bockius re: Document Number: 56 - ANSWER to <u>1</u> Complaint with JURY DEMAND. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Bradshaw, Elizabeth) (Entered: 06/01/2012)
06/25/2012	<u>58</u>	STIPULATED E-DISCOVERY ORDER: It is hereby STIPULATED, AGREED and ORDERED as follows: 1. This Stipulated E-Discovery Order ("E-Discovery Order") shall govern the collection, review and production of ESI by the Parties in the course of discovery in this action, With respect to all ESI discovery matters not expressly covered by the provisions of this E-Discovery Order, the Parties shall adhere to the requirements of the applicable Federal Rules of Civil Procedure and Local Rules for the United States District Court for the Southern District of New York and as further set forth in this order. (Signed by Judge William H. Pauley, III on 6/25/2012) (lmb) (Entered: 06/25/2012)
06/25/2012	<u>59</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge William H. Pauley, III on 6/25/2012) (lmb) (Entered: 06/25/2012)
01/10/2013	<u>60</u>	STIPULATION AND ORDER: IT IS HEREBY STIPULATED by and between the parties to this action, through their counsel: that Defendants' time to Answer or Otherwise Plead to the Consolidated Amended Class Action Complaint (CCAC) shall be extended from January 4, 2013 (fourteen days after the Court denied Defendant's Motion to Dismiss the CCAC) to January 18, 2013. This first request for an extension is

		necessitated by the complex nature of the allegations in the CCAC and the intervening holiday., Arcadia Energy (Suisse) SA answer due 1/18/2013; Arcadia Petroleum Ltd. answer due 1/18/2013; James T. Dyer answer due 1/18/2013; Parnon Energy Inc. answer due 1/18/2013; Nicholas J. Wildgoose answer due 1/18/2013. (Signed by Judge William H. Pauley, III on 1/4/2013) (lmb) (Entered: 01/16/2013)
04/16/2013	61	ENDORSED LETTER addressed to Judge William H. Pauley, III from Timothy J. Carey dated 4/4/2013 re: We write jointly pursuant to Rule 1(E) of your Individual Practices to request a fifteen (15) month extension of the case schedule including an extension of the fact discovery deadline to and including August 29, 2014 and an extension of the expert discovery deadline to and including six months after the conclusion of fact discovery. ENDORSEMENT: The parties are directed to appear for a conference on April 26, 2013 at 12:00 p.m. So ordered. (Conference set for 4/26/2013 at 12:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 4/15/2013) (rjm) (Entered: 04/16/2013)
05/02/2013	62	NOTICE OF APPEARANCE by Jonathan Persons Robell on behalf of U.S. Commodity Futures Trading Commission (Robell, Jonathan) (Entered: 05/02/2013)
05/08/2013	63	ENDORSED LETTER addressed to Judge William H. Pauley, III from Elizabeth M. Bradshaw dated 4/23/2013 re: Timothy J. Carey, as lead counsel for Defendants, had planned to attend the conference. Overnight Mr. Carey developed a personal conflict and now will be unable to attend on April 26. Defendants request that you allow Mr. Carey's partner, Elizabeth Bradshaw, to attend the conference in his place. ENDORSEMENT: Application granted. The conference is adjourned to May 14, 2013 at 10:00 a.m., (Status Conference set for 5/14/2013 at 10:00 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 5/6/2013) (lmb) (Entered: 05/08/2013)
05/15/2013	64	SCHEDULING ORDER: The parties having appeared for a conference on May 14, 2013, the following scheduling order is entered on consent: 1. All fact discovery shall be completed by January 31, 2014; 2. The CFTC shall disclose any experts and the subject of their testimony by December 18, 2013; 3. Defendants shall disclose any experts and the subject of their testimony by January 9, 2014; 4. Expert reports shall be exchanged by February 28, 2014; 5. Rebuttal reports shall be exchanged by March 13, 2014; 6. All expert discovery shall be completed by April 30, 2014; 7. The parties shall submit a joint pre-trial order by May 30, 2014; and 8. The parties shall appear for a final pre-trial conference on June 6, 2014 at 10:00 a.m. (Fact Discovery due by 1/31/2014. Expert Discovery due by 4/30/2014. Final Pretrial Conference set for 6/6/2014 at 10:00 AM before Judge William H. Pauley III. Joint Pretrial Order due by 5/30/2014.) (Signed by Judge William H. Pauley, III on 5/15/2013). (rjm) (Entered: 05/15/2013)
05/30/2013		***DELETED DOCUMENT as per instructions from Chambers on 5/30/2013. Deleted document number 65 Scheduling Order. The document was incorrectly filed in this case. (tro) (Entered: 05/30/2013)
06/10/2013	65	TRANSCRIPT of Proceedings re: CONFERENCE held on 5/14/2013 before Judge

		William H. Pauley, III. Court Reporter/Transcriber: William Richards, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/8/2013. Redacted Transcript Deadline set for 7/15/2013. Release of Transcript Restriction set for 9/12/2013.(Rodriguez, Somari) (Entered: 06/10/2013)
06/10/2013	<u>66</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 5/14/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 06/10/2013)
06/11/2013	<u>67</u>	ORDER: Any third party objection to the Putative Class Plaintiffs' First Request for the Production of Documents, made pursuant to the Stipulated Protective Order entered on June 25, 2012 in United States Commodity Futures Trading Commission v. Pamon Energy et al., 11 Civ. 3543 (Docket No. 59), shall be filed on the dockets of 11 Civ. 3543 and 11 Civ. 3600 by June 21, 2013. Any response to objections shall be filed by June 28, 2013. Any objecting party, along with the CFTC, the Putative Class Plaintiffs, and the Defendants to both 11 Civ. 3543 and 11 Civ. 3600 are directed to appear for a hearing on any objections on July 1, 2013 at 2:00p.m. in Courtroom 20B of the Daniel Patrick Moynihan United States Courthouse; Interim Class Counsel in 11 Civ. 3600 are directed to serve a copy of this Order on any third party whose documents were produced to Defendants by the CFTC forthwith; and The Clerk of Court is directed to file this Order on the dockets of 11 Civ. 3543 and 11 Civ. 3600. (Signed by Judge William H. Pauley, III on 6/11/2013) (tro) (Entered: 06/11/2013)
06/20/2013	<u>68</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Anthony M. Mansfield dated 6/19/2013 re: Given that Shell received notice of the Order on June 14, 2013 (see Exhibit A attached to this letter) we respectfully request an extension until June 27, 2013 to file such objections. ENDORSEMENT: Application denied. (Signed by Judge William H. Pauley, III on 6/20/2013) (lmb) (Entered: 06/20/2013)
06/20/2013	<u>69</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from Doron F. Ezickson dated 6/20/2013 re: Given that Gavilon received notice of the Order on June 14, 2013 (see Exhibit A attached to this letter) we respectfully request an extension until June 27, 2013 to file such objections. ENDORSEMENT: Application denied. (Signed by Judge William H. Pauley, III on 6/20/2013) (lmb) (Entered: 06/20/2013)
06/20/2013	<u>70</u>	NOTICE OF APPEARANCE by Peter Ligh on behalf of Castleton Commodities International LLC, Noble Americas Corp.. (Ligh, Peter) (Entered: 06/20/2013)
06/21/2013	<u>71</u>	NOTICE OF APPEARANCE by David Peter Langlois on behalf of Vitol S.A., Vitol, Inc., Vitol Capital Management Ltd.. (Langlois, David) (Entered: 06/21/2013)
06/21/2013	<u>72</u>	ENDORSED LETTER addressed to Judge William H. Pauley, III from David P.

		Langlois dated 6/20/2013 re: We respectfully request an extension of the time for the Vitol entities to file objections and motions to and including July 3, 2013. ENDORSEMENT: Application denied. (Signed by Judge William H. Pauley, III on 6/20/2013) (lmb) (Entered: 06/21/2013)
06/21/2013	73	ENDORSED LETTER addressed to Judge William H. Pauley, III from Anthony M. Mansfield dated 6/20/2013 re: Given that Morgan Stanley received notice of the Order on June 14, 2013 (see Exhibit A attached to this letter) we respectfully request an extension until June 27, 2013 to file such objections. ENDORSEMENT: Application denied. (Signed by Judge William H. Pauley, III on 6/20/2013) (lmb) (Entered: 06/21/2013)
06/21/2013	74	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - NOTICE of Objections to the Putative Class Plaintiffs' First Request for the Production of Documents. Document filed by Noble Americas Corp. (Ligh, Peter) Modified on 6/21/2013 (db). (Entered: 06/21/2013)
06/21/2013	75	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - NOTICE of Objections to Document Requests which may require production of documents of the Vitol Companies. Document filed by Vitol Capital Management Ltd., Vitol S.A., Vitol, Inc.. (Langlois, David) Modified on 6/21/2013 (db). (Entered: 06/21/2013)
06/21/2013	76	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - NOTICE of Objections to the Putative Class Plaintiffs' First Request for the Production of Documents. Document filed by Castleton Commodities International LLC. (Ligh, Peter) Modified on 6/21/2013 (db). (Entered: 06/21/2013)
06/21/2013	77	NOTICE OF APPEARANCE by Joshua Lane Shapiro on behalf of Gavilon, LLC, Morgan Stanley Capital Group, Inc., Shell Oil Company. (Shapiro, Joshua) (Entered: 06/21/2013)
06/21/2013	78	RESPONSE to Discovery Request from Chevron U.S.A. Inc.. Document filed by Chevron U.S.A. Inc..(Schaffer, Tracy) (Entered: 06/21/2013)
06/21/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Peter Ligh to RE-FILE Document 76 Notice (Other), Notice (Other), 74 Notice (Other), Notice (Other). Use the event type Objection (non-motion) found under the event list Other Answers. (db) (Entered: 06/21/2013)
06/21/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney David Peter Langlois to RE-FILE Document 75 Notice (Other), Notice (Other). Use the event type Objection (non-motion) found under the event list Other Answers. (db) (Entered: 06/21/2013)
06/21/2013	79	Objection to the Putative Class Plaintiffs' First Request for the Production of Documents. Document filed by Noble Americas Corp.. (Ligh, Peter) (Entered:

		06/21/2013)
06/21/2013	80	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - REPLY to the Putative Class Plaintiffs' First Request for the Production of Documents. Document filed by Castleton Commodities International LLC. (Ligh, Peter) Modified on 6/24/2013 (ka). (Entered: 06/21/2013)
06/21/2013	81	NOTICE OF APPEARANCE by Hilary Lovett Preston on behalf of Plains All American Pipeline, LP. (Preston, Hilary) (Entered: 06/21/2013)
06/21/2013	82	Objection of Non-Parties Valero Energy Corporation and Valero Marketing and Supply Company to Plaintiffs' First Request for the Production of Documents and Electronically Stored Information. Document filed by Valero Energy Corporation, Valero Marketing and Supply Company. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Egelson, Christopher) (Entered: 06/21/2013)
06/21/2013	83	Objection to Document Requests which may require production of documents of the Vitol Companies. Document filed by Vitol Capital Management Ltd., Vitol S.A., Vitol, Inc.. (Langlois, David) (Entered: 06/21/2013)
06/21/2013	84	NOTICE OF APPEARANCE by Marisa Antos-Fallon on behalf of Plains All American Pipeline, LP. (Antos-Fallon, Marisa) (Entered: 06/21/2013)
06/21/2013	85	NOTICE OF APPEARANCE by Eric Carl Schmale on behalf of MacQuarie Bank Limited. (Schmale, Eric) (Entered: 06/21/2013)
06/21/2013	86	Objection to Plaintiff's Request for Production of Documents. Document filed by MacQuarie Bank Limited. (Schmale, Eric) (Entered: 06/21/2013)
06/21/2013	87	NOTICE OF APPEARANCE by Joshua Lane Shapiro on behalf of ConAgra Foods, Inc.. (Shapiro, Joshua) (Entered: 06/21/2013)
06/21/2013	88	MOTION for Protective Order. Document filed by Plains All American Pipeline, LP. (Preston, Hilary) (Entered: 06/21/2013)
06/21/2013	89	MEMORANDUM OF LAW in Support re: 88 MOTION for Protective Order.. Document filed by Plains All American Pipeline, LP. (Preston, Hilary) (Entered: 06/21/2013)
06/21/2013	90	DECLARATION of Lawrence J. Dreyfuss in Support re: 88 MOTION for Protective Order.. Document filed by Plains All American Pipeline, LP. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Preston, Hilary) (Entered: 06/21/2013)
06/21/2013	91	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Plains All American Pipeline, LP.(Preston, Hilary) (Entered: 06/21/2013)
06/21/2013	92	Objection /Objections of Third Party, Shell Oil Company, to Class Plaintiffs' Request for Production of Documents. Document filed by Shell Oil Company. (Shapiro, Joshua) (Entered: 06/21/2013)
06/21/2013	93	Objection of Third Party, Gavilon, LLC to Class Plaintiffs' Request for Production

		<i>of Documents.</i> Document filed by Gavilon, LLC. (Shapiro, Joshua) (Entered: 06/21/2013)
06/21/2013	<u>94</u>	<i>Objection /Objections of Third Party, Morgan Stanley Capital Group, Inc., to Class Plaintiffs' Request for Production of Documents.</i> Document filed by Morgan Stanley Capital Group, Inc.. (Shapiro, Joshua) (Entered: 06/21/2013)
06/21/2013	<u>95</u>	<i>Objection of Third Party, ConAgra Foods, Inc. to Class Plaintiffs' Request for Production of Documents.</i> Document filed by ConAgra Foods, Inc.. (Shapiro, Joshua) (Entered: 06/21/2013)
06/24/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Peter Ligh to RE-FILE Document <u>80</u> Reply. Use the event type Objection(non-motion) found under the event list Other Answers. (ka) (Entered: 06/24/2013)
06/26/2013	<u>96</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - NOTICE OF CHANGE OF ADDRESS by Eric Carl Schmale on behalf of MacQuarie Bank Limited. New Address: Gibson Dunn & Crutcher, 1050 Connecticut Ave NW, Washington, DC, United States 20036, 202-887-3539. (Schmale, Eric) Modified on 6/27/2013 (db). (Entered: 06/26/2013)
06/26/2013	<u>97</u>	<i>Objection to the Putative Class Plaintiff's First Request for the Production of Documents.</i> Document filed by Castleton Commodities International LLC. (Ligh, Peter) (Entered: 06/26/2013)
06/26/2013	<u>98</u>	MOTION for William S. Scherman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8641728. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by MacQuarie Bank Limited.(Schmale, Eric) (Entered: 06/26/2013)
06/26/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>98</u> MOTION for William S. Scherman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8641728. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bwa) (Entered: 06/26/2013)
06/27/2013	<u>99</u>	NOTICE of Withdrawal of Valero's Objections to Plaintiffs' First Production Request. Document filed by Valero Energy Corporation, Valero Marketing and Supply Company. (Egelson, Christopher) (Entered: 06/27/2013)
06/27/2013	<u>100</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Keith J. Barnett to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645311. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Vitol S.A..(Langlois, David) Modified on 6/27/2013 (bcu). (Entered: 06/27/2013)
06/27/2013		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>100</u> MOTION for Keith J. Barnett to

		<p>Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645311. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Certificate of Good Standing. Certificates of Good Standing must be issued from the States Courts of Georgia and California and not from a State Bar Association. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (bcu) (Entered: 06/27/2013)</p>
06/27/2013	<u>101</u>	<p>FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645673. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Plains All American Pipeline, LP. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Text of Proposed Order)(Y'Barbo, Crystal) Modified on 7/3/2013 (wb). (Entered: 06/27/2013)</p>
06/27/2013		<p>>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <u>101</u> MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645673. Motion and supporting papers to be reviewed by Clerk's Office staff. Certificates of Good Standing must be issued from the State Court. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (bwa) (Entered: 06/27/2013)</p>
06/27/2013		<p>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Eric Carl Schmale to RE-FILE Document <u>96</u> Notice of Change of Address. ERROR(S): Document was not finalized. It can be altered in real time/changes can be made. (db) (Entered: 06/27/2013)</p>
06/27/2013	<u>102</u>	<p>NOTICE OF CHANGE OF ADDRESS by Eric Carl Schmale on behalf of MacQuarie Bank Limited. New Address: Gibson Dunn & Crutcher, 1050 Connecticut Ave NW, Washington, DC, United States 20036, 202-887-3539. (Schmale, Eric) (Entered: 06/27/2013)</p>
06/28/2013	<u>103</u>	<p>NOTICE OF APPEARANCE by Tracy V. Schaffer on behalf of Chevron Products Company. (Schaffer, Tracy) (Entered: 06/28/2013)</p>
06/28/2013	<u>104</u>	<p>RESPONSE to Motion re: <u>88</u> MOTION for Protective Order. <i>and Objections by Third Parties.</i> Document filed by U.S. Commodity Futures Trading Commission. (Ryall, Christine) (Entered: 06/28/2013)</p>
07/02/2013	<u>105</u>	<p>ORDER granting <u>98</u> Motion for William S. Scherman to Appear Pro Hac Vice. It is SO ORDERED that William S. Scherman is admitted to the bar of this Court pro hac vice as counsel for Macquarie Bank Limited. (Signed by Judge William H. Pauley, III on 7/2/2013) (mro) (Entered: 07/02/2013)</p>
07/03/2013	<u>106</u>	<p>MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (<i>Corrected</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Plains</p>

		All American Pipeline, LP. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Text of Proposed Order)(Y'Barbo, Crystal) (Entered: 07/03/2013)
07/03/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 106 MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (Corrected). Motion and supporting papers to be reviewed by Clerk's Office staff. MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (Corrected). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/03/2013)
07/03/2013	107	MOTION for Anthony M. Mansfield to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by ConAgra Foods, Inc., Gavilon, LLC, Morgan Stanley Capital Group, Inc., Shell Oil Company. (Attachments: # 1 Certificate of Good Standing, # 2 Certificate of Good Standing, # 3 Text of Proposed Order Proposed Order)(Mansfield, Anthony) (Entered: 07/03/2013)
07/03/2013		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. 107 MOTION for Anthony M. Mansfield to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Filing fee not paid. Pay the filing fee by selecting the Pro Hac Vice Fee Payment event from the Other Documents menu item. (wb) (Entered: 07/03/2013)
07/03/2013		Pro Hac Vice Fee Payment: for 107 MOTION for Anthony M. Mansfield to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Filing fee \$ 200.00, receipt number 0208-8662392.(Mansfield, Anthony) (Entered: 07/03/2013)
07/08/2013	108	MOTION for Keith J. Barnett to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Vitol S.A.. (Langlois, David) (Entered: 07/08/2013)
07/08/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 108 MOTION for Keith J. Barnett to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/08/2013)
07/08/2013	109	FILING ERROR - ELECTRONIC FILING OF NON-ECF DOCUMENT - NOTICE of Letter re: 88 MOTION for Protective Order. Document filed by Plains All American Pipeline, LP. (Preston, Hilary) Modified on 7/9/2013 (db). (Entered: 07/08/2013)
07/08/2013	110	MOTION for Gregory Scott Kaufman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8668989. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Castleton Commodities International LLC, Noble Americas Corp.. (Attachments: # 1 Exhibit Certificate of Good Standing - DC, # 2 Exhibit Certificate of Good Standing - MD, # 3 Text of Proposed Order Proposed

		Order)(Kaufman, Gregory) (Entered: 07/08/2013)
07/08/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>110</u> MOTION for Gregory Scott Kaufman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8668989. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/08/2013)
07/09/2013		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>109</u> HAS BEEN REJECTED. Note to Attorney Hilary Lovett Preston : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db) (Entered: 07/09/2013)
07/10/2013	111	LETTER addressed to Judge William H. Pauley from Chaim A. Levin on behalf of The Tradition Group, dated 6/21/2013 re: Request for an adjournment of the deadline of today for all third parties to submit objections to the production by some of the parties. (cd) (Entered: 07/10/2013)
07/10/2013	113	LETTER addressed to Judge William H. Pauley from Lev L. Dassin dated 7/1/2013 re: Accordingly, due to the lack of non-disclosure language, Citigroup withdraws the objection raised in its June 21st letter to the production of the Vitol documents it produced to the CFTC, but expects that Vitol will object to the production of these documents at today's hearing. (js) (Entered: 07/15/2013)
07/11/2013	112	LETTER addressed to Judge William H. Pauley, III, from Lev L. Dassin, dated 6/21/2013, re: on behalf of our client, Citigroup, Inc., we submit this letter pursuant to the Court's order of June 11, 2013 to object to the production of documents originating with Citigroup to the plaintiffs in the above-captioned matter, In re Crude Oil Commodity Futures Litigation, 11 Civ. 3600 (WHP)... Citigroup has now been advised that the documents produced to the CFTC were subsequently produced to the defendants in CFTC v. Parnon Energy, Inc., et al., 11 Civ. 3543 (WHP), and were marked highly confidential. (ja) (Entered: 07/12/2013)
07/15/2013	<u>114</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>110</u> Motion for Gregory Scott Kaufman to Appear Pro Hac Vice. It is hereby Ordered that Gregory S. Kaufman is admitted Pro Hac Vice to appear for all purposes as counsel for Castleton Commodities International LLC and Noble Americas Corporation. (Signed by Judge William H. Pauley, III on 7/15/2013) (mro) (Entered: 07/15/2013)
07/15/2013	<u>115</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>106</u> Motion for Crystal N. Y'Barbo to Appear Pro Hac Vice. It is hereby Ordered that Crystal N. Y'Barbo is admitted Pro Hac Vice to appear for all purposes as counsel for non-party Plains All American Pipeline, LP. (Signed by Judge William H. Pauley, III on 7/15/2013) (mro) (Entered: 07/15/2013)
07/15/2013	<u>116</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>107</u> Motion for Anthony M. Mansfield to Appear Pro Hac Vice. It is hereby Ordered that Anthony M. Mansfield is

		admitted Pro Hac Vice to appear for all purposes as counsel for Shell Oil Company, Morgan Stanley Capital Group, Inc., Gavilon, LLC, and ConAgra Foods, Inc. (Signed by Judge William H. Pauley, III on 7/15/2013) (mro) (Entered: 07/15/2013)
07/16/2013	117	NOTICE OF APPEARANCE by Armita Schacht Cohen on behalf of Plains All American Pipeline, LP. (Cohen, Armita) (Entered: 07/16/2013)
07/16/2013	118	MOTION for Gregory Scopino to Withdraw as Attorney. Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Text of Proposed Order) (Devoe, Melanie) (Entered: 07/16/2013)
07/16/2013	119	DECLARATION of Gregory Scopino in Support re: 118 MOTION for Gregory Scopino to Withdraw as Attorney.. Document filed by U.S. Commodity Futures Trading Commission. (Devoe, Melanie) (Entered: 07/16/2013)
07/17/2013	120	NOTICE OF APPEARANCE by Crystal N. Y'Barbo on behalf of Plains All American Pipeline, LP. (Y'Barbo, Crystal) (Entered: 07/17/2013)
07/19/2013	121	ENDORSED LETTER addressed to Judge William H. Pauley, III from Christine M. Ryall and Timothy J. Carey dated 6/28/13 re: The parties request the Court's intervention to resolve the discovery dispute listed herein. ENDORSEMENT: The parties are directed to appear for a conference on August 2, 2013 at 11:00 a.m. (Status Conference set for 8/2/2013 at 11:00 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 7/19/2013 (as per Chambers)) (mro) (Entered: 07/19/2013)
07/22/2013	122	ORDER granting 118 Motion to Withdraw as Attorney. Upon consideration of the Motion for Withdrawal of Gregory Scopino as Counsel for Plaintiff, it is HEREBY ORDERED that the Motion is GRANTED and Gregory Scopino shall be removed as counsel for Plaintiff Commodity Futures Trading Commission. (Signed by Judge William H. Pauley, III on 7/22/2013) (mro) (Entered: 07/22/2013)
07/22/2013	123	ORDER granting 108 Motion for Keith J. Barnett to Appear Pro Hac Vice. It is so ordered that Keith J. Barnett is admitted to the bar of this Court pro hac vice as counsel for Vitol S.A., Vitol Inc. and Vitol Capital Management Ltd. (Signed by Judge William H. Pauley, III on 7/22/2013) (mro) (Entered: 07/22/2013)
07/24/2013	124	MOTION for Luke Blair Marsh to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Text of Proposed Order)(Marsh, Luke) (Entered: 07/24/2013)
08/02/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 124 MOTION for Luke Blair Marsh to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/02/2013)
08/06/2013	125	SCHEDULING ORDER: The parties having appeared for a conference on August 2, 2013, the following schedule is entered on consent: 1. The Defendants shall provide this

		Court with copies of the subpoenas referenced in the parties' joint letter dated June 28, 2013 by August 6, 2013; 2. Plaintiff shall file a memorandum of law in support of their motion for a protective order by August 12, 2013; 3. Defendants shall file any opposition by August 16, 2013; 4. Plaintiff shall file any reply by August 20, 2013; and 5. This Court will hear oral argument on August 29, 2013 at 2:00 p.m. (Responses due by 8/16/2013 Replies due by 8/20/2013. Oral Argument set for 8/29/2013 at 02:00 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 8/5/2013) (mro) (Entered: 08/06/2013)
08/12/2013	126	MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> . Document filed by U.S. Commodity Futures Trading Commission. Return Date set for 8/29/2013 at 02:00 PM.(Robell, Jonathan) (Entered: 08/12/2013)
08/12/2013	127	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> .. Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Declaration of Counsel, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5 (sealed), # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8 (sealed), # 10 Exhibit 9, # 11 Exhibit 10 (sealed), # 12 Exhibit 11)(Robell, Jonathan) Modified on 8/13/2013 (ldi). (Entered: 08/12/2013)
08/12/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Jonathan Persons Robell to RE-FILE Document 127 Memorandum of Law in Support of Motion. ERROR(S): Supporting documents must be filed separately, each receiving their own document number. Declaration in Support of Motion is found under the event list Replies, Opposition and Supporting Documents. (ldi) (Entered: 08/13/2013)
08/13/2013	128	MEMORANDUM OF LAW in Support re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> .. Document filed by U.S. Commodity Futures Trading Commission. (Robell, Jonathan) (Entered: 08/13/2013)
08/13/2013	129	DECLARATION of Jonathan P. Robell in Support re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> .. Document filed by U.S. Commodity Futures Trading Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5 (sealed), # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8 (sealed), # 9 Exhibit 9, # 10 Exhibit 10 (sealed), # 11 Exhibit 11)(Robell, Jonathan) (Entered: 08/13/2013)
08/16/2013	130	MEMORANDUM OF LAW in Opposition re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> .. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Carey, Timothy) (Entered: 08/16/2013)
08/16/2013	131	DECLARATION of Timothy J. Carey in Opposition re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order</i> .. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Attachments: # 1 Exhibit A, # 2 Exhibit B (sealed), # 3 Exhibit C (sealed), # 4 Exhibit D (sealed), # 5 Exhibit E, # 6 Exhibit F (sealed), # 7 Exhibit G

		(sealed), # 8 Exhibit H (sealed), # 9 Exhibit I)(Carey, Timothy) (Entered: 08/16/2013)
08/19/2013	132	SEALED DOCUMENT placed in vault.(mps) (Entered: 08/19/2013)
08/20/2013	133	REPLY MEMORANDUM OF LAW in Support re: 126 MOTION for Protective Order <i>and Enforcement of Stipulated Protective Order..</i> Document filed by U.S. Commodity Futures Trading Commission. (Robell, Jonathan) (Entered: 08/20/2013)
09/09/2013	134	TRANSCRIPT of Proceedings re: CONFERENCE held on 8/29/2013 before Judge William H. Pauley, III. Court Reporter/Transcriber: Karen Gorlaski, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/3/2013. Redacted Transcript Deadline set for 10/15/2013. Release of Transcript Restriction set for 12/12/2013.(Rodriguez, Somari) (Entered: 09/09/2013)
09/09/2013	135	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 8/29/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(Rodriguez, Somari) (Entered: 09/09/2013)
09/27/2013	136	TRANSCRIPT of Proceedings re: ARGUMENT held on 8/2/2013 before Judge William H. Pauley, III. Court Reporter/Transcriber: Martha Drevis, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/21/2013. Redacted Transcript Deadline set for 10/31/2013. Release of Transcript Restriction set for 12/30/2013.(McGuirk, Kelly) (Entered: 09/27/2013)
09/27/2013	137	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 8/2/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/27/2013)
10/01/2013		***DELETED DOCUMENT. Deleted document number 138 STANDING ORDER M10-468. The document was incorrectly filed in this case. (jar) (Entered: 10/02/2013)
10/09/2013	138	LETTER MOTION for Extension of Time addressed to Judge William H. Pauley, III from Paul Hayeck dated October 9, 2013. Document filed by U.S. Commodity Futures Trading Commission.(Hayeck, Paul) (Entered: 10/09/2013)

10/25/2013	139	MEMORANDUM & ORDER granting in part and denying in part 117 Motion for Protective Order in 11-cv-3600. For the foregoing reasons, the non-party objections and motions for protective orders are granted in part and denied in part. The parties to the class action and the CFTC action are directed to submit a modified protective order that requires any witness to a deposition who is not a "producing party, author, sender, addressee or copy recipient" of any non-party document designated "highly confidential" to execute a declaration of compliance with the protective order before viewing any such document. Subject to entry of the modified protective orders, Parnon is directed to comply with Plaintiffs' document requests. Parnon may also review any non-party documents it has received from the CFTC, notwithstanding any non-party objections to the contrary. This Court encourages all parties to make good faith efforts to modify any excessive and unwarranted "highly confidential" designations in order to afford the fullest possible access. The Clerk of Court is directed to terminate the motion pending at Docket No. 117 in Case No. 11 Civ. 3600 (WHP). (Signed by Judge William H. Pauley, III on 10/25/2013) (mro) (Entered: 10/25/2013)
10/29/2013	140	LETTER addressed to Judge William H. Pauley, III from Elizabeth M. Bradshaw dated 10/29/2013 re: submission of parties' [Proposed] Modified Stipulated Protective Order.. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose. (Attachments: # 1 proposed modified Stipulated Protective Order)(Bradshaw, Elizabeth) (Entered: 10/29/2013)
10/30/2013	141	NOTICE OF APPEAL from 139 Order, , , , . Document filed by Castleton Commodities International LLC, Plains All American Pipeline, LP, Vitol Capital Management Ltd., Vitol, Inc.. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Preston, Hilary) (Entered: 10/30/2013)
10/30/2013	142	FILING ERROR - ELECTRONIC FILING OF NON-ECF DOCUMENT - MOTION to Stay re: 139 Order. Document filed by Castleton Commodities International LLC, Plains All American Pipeline, LP, Vitol Capital Management Ltd., Vitol, Inc..(Cohen, Armita) Modified on 10/31/2013 (db). (Entered: 10/30/2013)
10/30/2013		Appeal Fee Due: for 141 Notice of Appeal. Appeal fee due by 11/13/2013. (tp) (Entered: 10/31/2013)
10/31/2013		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 141 Notice of Appeal. (tp) (Entered: 10/31/2013)
10/31/2013		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 133 Reply Memorandum of Law in Support of Motion filed by U.S. Commodity Futures Trading Commission, 71 Notice of Appearance filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., 26 MOTION for Levi McAllister to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 79 Objection (non-motion) filed by Noble Americas Corp., 8 Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, 135 Notice of Filing Transcript, 58 Stipulation and Order, 44 Memorandum of Law in Support of Motion filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer,

Parnon Energy Inc., [18](#) Order on Motion to Appear Pro Hac Vice, [94](#) Objection (non-motion) filed by Morgan Stanley Capital Group, Inc., [57](#) Certificate of Service Other, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [32](#) Order on Motion to Appear Pro Hac Vice, [33](#) Order on Motion to Appear Pro Hac Vice, [110](#) MOTION for Gregory Scott Kaufman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8668989. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Castleton Commodities International LLC, Noble Americas Corp., [75](#) Notice (Other), Notice (Other) filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., [68](#) Endorsed Letter, [101](#) MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645673. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Plains All American Pipeline, LP, [102](#) Notice of Change of Address filed by MacQuarie Bank Limited, [28](#) MOTION for Jennifer A. Diamantis to Withdraw as Attorney *Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff* filed by U.S. Commodity Futures Trading Commission, [9](#) Order on Motion to Appear Pro Hac Vice, [84](#) Notice of Appearance filed by Plains All American Pipeline, LP, [109](#) Notice (Other) filed by Plains All American Pipeline, LP, [93](#) Objection (non-motion) filed by Gavilon, LLC, [88](#) MOTION for Protective Order filed by Plains All American Pipeline, LP, [108](#) MOTION for Keith J. Barnett to Appear Pro Hac Vice. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Vitol S.A., [125](#) Scheduling Order, [60](#) Stipulation and Order, Set Deadlines, [3](#) Order for Initial Pretrial Conference, [85](#) Notice of Appearance filed by MacQuarie Bank Limited, [22](#) Order on Motion to Appear Pro Hac Vice, [118](#) MOTION for Gregory Scopino to Withdraw as Attorney filed by U.S. Commodity Futures Trading Commission, [70](#) Notice of Appearance filed by Castleton Commodities International LLC, Noble Americas Corp., [67](#) Order, Set Hearings, [87](#) Notice of Appearance filed by ConAgra Foods, Inc., [46](#) Order Admitting Attorney Pro Hac Vice, [130](#) Memorandum of Law in Opposition to Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [50](#) Order on Motion to Withdraw as Attorney, [117](#) Notice of Appearance filed by Plains All American Pipeline, LP, [19](#) Order on Motion to Appear Pro Hac Vice, [107](#) MOTION for Anthony M. Mansfield to Appear Pro Hac Vice. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Shell Oil Company, Gavilon, LLC, Morgan Stanley Capital Group, Inc., ConAgra Foods, Inc., [55](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [80](#) Reply, filed by Castleton Commodities International LLC, [89](#) Memorandum of Law in Support of Motion filed by Plains All American Pipeline, LP, [98](#) MOTION for William S. Scherman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8641728. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by MacQuarie Bank Limited, [7](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, [5](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, [1](#) Complaint filed by U.S. Commodity Futures Trading Commission, [37](#) MOTION for Elizabeth Davis & John Einstman to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [52](#)

Stipulation and Order, Set Deadlines, [72](#) Endorsed Letter, [66](#) Notice of Filing Transcript, [83](#) Objection (non-motion) filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., [127](#) Memorandum of Law in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [24](#) MOTION for Fred F. Fielding to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [121](#) Endorsed Letter, Set Hearings, [54](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [17](#) MOTION for Melanie Devoe to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [91](#) Rule 7.1 Corporate Disclosure Statement filed by Plains All American Pipeline, LP, [119](#) Declaration in Support of Motion filed by U.S. Commodity Futures Trading Commission, [139](#) Order, [31](#) Order on Motion to Appear Pro Hac Vice, [99](#) Notice (Other) filed by Valero Energy Corporation, Valero Marketing and Supply Company, [74](#) Notice (Other), Notice (Other) filed by Noble Americas Corp., [106](#) MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (*Corrected*). **Motion and supporting papers to be reviewed by Clerk's Office staff** MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (*Corrected*). **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Plains All American Pipeline, LP, [15](#) MOTION for Elizabeth M. Bradshaw to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [61](#) Endorsed Letter, Set Hearings, [115](#) Order on Motion to Appear Pro Hac Vice, [10](#) Order Admitting Attorney Pro Hac Vice, [137](#) Notice of Filing Transcript, [14](#) MOTION for Brigitte T. Kocheny to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [38](#) Transcript, [82](#) Objection (non-motion), Objection (non-motion) filed by Valero Energy Corporation, Valero Marketing and Supply Company, [122](#) Order on Motion to Withdraw as Attorney, [2](#) MOTION for Christine Ryall, Joan Manley, Paul G. Hayeck, Jennifer Diamantis to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [23](#) Rule 7.1 Corporate Disclosure Statement filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Parnon Energy Inc., [95](#) Objection (non-motion) filed by ConAgra Foods, Inc., [92](#) Objection (non-motion) filed by Shell Oil Company, [76](#) Notice (Other), Notice (Other) filed by Castleton Commodities International LLC, [51](#) Order on Motion to Dismiss, [100](#) MOTION for Keith J. Barnett to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645311. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Vitol S.A., [35](#) Rule 26(f) Discovery Plan Report filed by U.S. Commodity Futures Trading Commission, [40](#) MOTION to Dismiss filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [11](#) Order Admitting Attorney Pro Hac Vice, [129](#) Declaration in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [78](#) Response to Discovery filed by Chevron U.S.A. Inc., [141](#) Notice of Appeal, filed by Castleton Commodities International LLC, Vitol, Inc., Plains All American Pipeline, LP, Vitol Capital Management Ltd., [126](#) MOTION for Protective Order and Enforcement of *Stipulated Protective Order* filed by U.S. Commodity Futures Trading Commission, [6](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission,

[140](#) Letter, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [131](#) Declaration in Opposition to Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [64](#) Scheduling Order, [124](#) MOTION for Luke Blair Marsh to Appear Pro Hac Vice. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by U.S. Commodity Futures Trading Commission, [56](#) Answer to Complaint filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [30](#) Declaration in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [27](#) Order for Initial Pretrial Conference, [49](#) Reply Memorandum of Law in Support of Motion filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [21](#) Order on Motion to Appear Pro Hac Vice, [41](#) Declaration in Support of Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [142](#) MOTION to Stay re: [139](#) Order, filed by Castleton Commodities International LLC, Vitol, Inc., Plains All American Pipeline, LP, Vitol Capital Management Ltd., [45](#) Order on Motion to Appear Pro Hac Vice, [114](#) Order on Motion to Appear Pro Hac Vice, [81](#) Notice of Appearance filed by Plains All American Pipeline, LP, [53](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [62](#) Notice of Appearance filed by U.S. Commodity Futures Trading Commission, [120](#) Notice of Appearance filed by Plains All American Pipeline, LP, [128](#) Memorandum of Law in Support of Motion filed by U.S. Commodity Futures Trading Commission, [39](#) Notice of Filing Transcript, [29](#) MOTION for Jennifer Ann Diamantis to Withdraw as Attorney *Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff* filed by U.S. Commodity Futures Trading Commission, [48](#) Declaration in Support of Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [73](#) Endorsed Letter, [25](#) MOTION for Mark R. Haskell to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [96](#) Notice of Change of Address, filed by MacQuarie Bank Limited, [36](#) Scheduling Order, [138](#) LETTER MOTION for Extension of Time addressed to Judge William H. Pauley, III from Paul Hayeck dated October 9, 2013 filed by U.S. Commodity Futures Trading Commission, [97](#) Objection (non-motion) filed by Castleton Commodities International LLC, [104](#) Response to Motion filed by U.S. Commodity Futures Trading Commission, [136](#) Transcript, [69](#) Endorsed Letter, [65](#) Transcript, [12](#) Order Admitting Attorney Pro Hac Vice, [63](#) Endorsed Letter, Set Hearings, [20](#) Order on Motion to Appear Pro Hac Vice, [16](#) MOTION for Saadeh Al-Jurf to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [43](#) Order Striking Document from Record, [116](#) Order on Motion to Appear Pro Hac Vice, [59](#) Protective Order, [90](#) Declaration in Support of Motion filed by Plains All American Pipeline, LP, [13](#) MOTION for Timothy J. Carey to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [34](#) Endorsed Letter, Set Hearings, [47](#) Memorandum of Law in Opposition to Motion, filed by U.S. Commodity Futures

		Trading Commission, 123 Order on Motion to Appear Pro Hac Vice, 105 Order on Motion to Appear Pro Hac Vice, 4 Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, 134 Transcript, 86 Objection (non-motion) filed by MacQuarie Bank Limited, 77 Notice of Appearance filed by Shell Oil Company, Gavilon, LLC, Morgan Stanley Capital Group, Inc., 103 Notice of Appearance filed by Chevron Products Company were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/31/2013)
10/31/2013		Appeal Fee Payment: for 141 Notice of Appeal,. Filing fee \$ 455.00, receipt number 0208-9031817. (Preston, Hilary) (Entered: 10/31/2013)
10/31/2013		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Armita Schacht Cohen. Document No. 142 Letter. This document is not filed via ECF. The Court permits the filing of letters including certain types of letter motions, a Motion to Stay must be formally filed. (db) (Entered: 10/31/2013)
10/31/2013	143	LETTER addressed to Judge William H. Pauley, III from Elizabeth M. Bradshaw dated 10/31/2013 re: in regard to status of Plains All American Pipeline, LPs compliance with the October 25, 2013 Order, and to request leave for a limited production to the Plaintiffs. Document filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., James T. Dyer, Parnon Energy Inc., Nicholas J. Wildgoose.(Bradshaw, Elizabeth) (Entered: 10/31/2013)
11/01/2013	144	LETTER addressed to Judge William H. Pauley, III from Armita S. Cohen dated November 1, 2013 re: response to Defendants' letter dated October 31, 2013. Document filed by Plains All American Pipeline, LP.(Cohen, Armita) (Entered: 11/01/2013)
11/04/2013	145	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting 124 Motion for Luke B. Marsh to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 11/4/2013) (lmb) (Entered: 11/04/2013)
11/06/2013	146	ORDER denying 138 Letter Motion for Extension of Time: Application denied. The Clerk of Court is directed to terminate the letter motion pending at Dock No. 138. (Signed by Judge William H. Pauley, III on 11/6/2013) (tn) (Entered: 11/06/2013)
11/07/2013	147	LETTER addressed to Judge William H. Pauley, III from Christine M. Ryall dated November 7, 2013 re: CFTC response to October 31, 2013 letters filed by non-parties Plains All American Pipeline, Inc. and Castleton Commodities International LLC requesting stay of Court's October 25, 2013 Memorandum & Order 139 . Document filed by U.S. Commodity Futures Trading Commission.(Robell, Jonathan) (Entered: 11/07/2013)
11/08/2013	148	NOTICE OF INTERLOCUTORY APPEAL from 139 Order, ,,,,. Document filed by Morgan Stanley Capital Group, Inc., Shell Oil Company. Filing fee \$ 455.00, receipt number 0208-9063372. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Shapiro, Joshua) (Entered: 11/08/2013)

11/08/2013	Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 148 Notice of Interlocutory Appeal. (tp) (Entered: 11/08/2013)
11/08/2013	<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 133 Reply Memorandum of Law in Support of Motion filed by U.S. Commodity Futures Trading Commission, 71 Notice of Appearance filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., 26 MOTION for Levi McAllister to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 79 Objection (non-motion) filed by Noble Americas Corp., 8 Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, 135 Notice of Filing Transcript, 58 Stipulation and Order, 44 Memorandum of Law in Support of Motion filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 18 Order on Motion to Appear Pro Hac Vice, 94 Objection (non-motion) filed by Morgan Stanley Capital Group, Inc., 57 Certificate of Service Other, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 32 Order on Motion to Appear Pro Hac Vice, 33 Order on Motion to Appear Pro Hac Vice, 110 MOTION for Gregory Scott Kaufman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8668989. Motion and supporting papers to be reviewed by Clerk's Office staff filed by Castleton Commodities International LLC, Noble Americas Corp., 75 Notice (Other), Notice (Other) filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., 68 Endorsed Letter, 101 MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645673. Motion and supporting papers to be reviewed by Clerk's Office staff filed by Plains All American Pipeline, LP, 102 Notice of Change of Address filed by MacQuarie Bank Limited, 28 MOTION for Jennifer A. Diamantis to Withdraw as Attorney <i>Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff</i> filed by U.S. Commodity Futures Trading Commission, 9 Order on Motion to Appear Pro Hac Vice, 84 Notice of Appearance filed by Plains All American Pipeline, LP, 109 Notice (Other) filed by Plains All American Pipeline, LP, 93 Objection (non-motion) filed by Gavilon, LLC, 88 MOTION for Protective Order filed by Plains All American Pipeline, LP, 108 MOTION for Keith J. Barnett to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff filed by Vitol S.A., 125 Scheduling Order, 60 Stipulation and Order, Set Deadlines, 3 Order for Initial Pretrial Conference, 85 Notice of Appearance filed by MacQuarie Bank Limited, 22 Order on Motion to Appear Pro Hac Vice, 118 MOTION for Gregory Scopino to Withdraw as Attorney filed by U.S. Commodity Futures Trading Commission, 70 Notice of Appearance filed by Castleton Commodities International LLC, Noble Americas Corp., 67 Order, Set Hearings, 87 Notice of Appearance filed by ConAgra Foods, Inc., 46 Order Admitting Attorney Pro Hac Vice, 130 Memorandum of Law in Opposition to Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 50 Order on Motion to Withdraw as Attorney, 117 Notice of Appearance filed by Plains All American Pipeline, LP, 19 Order on Motion to Appear Pro Hac Vice, 107 MOTION for Anthony M. Mansfield to Appear Pro Hac Vice. Motion and supporting papers to be reviewed by Clerk's Office staff filed</p>

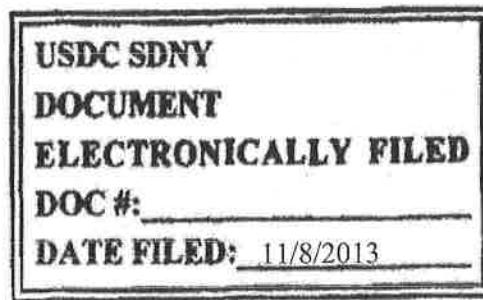
by Shell Oil Company, Gavilon, LLC, Morgan Stanley Capital Group, Inc., ConAgra Foods, Inc., [55](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [80](#) Reply, filed by Castleton Commodities International LLC, [89](#) Memorandum of Law in Support of Motion filed by Plains All American Pipeline, LP, [98](#) MOTION for William S. Scherman to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8641728. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by MacQuarie Bank Limited, [7](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, [5](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, [1](#) Complaint filed by U.S. Commodity Futures Trading Commission, [37](#) MOTION for Elizabeth Davis & John Einstman to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [52](#) Stipulation and Order, Set Deadlines, [72](#) Endorsed Letter, [66](#) Notice of Filing Transcript, [83](#) Objection (non-motion) filed by Vitol, Inc., Vitol S.A., Vitol Capital Management Ltd., [127](#) Memorandum of Law in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [24](#) MOTION for Fred F. Fielding to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [121](#) Endorsed Letter, Set Hearings, [54](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [17](#) MOTION for Melanie Devoe to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [91](#) Rule 7.1 Corporate Disclosure Statement filed by Plains All American Pipeline, LP, [119](#) Declaration in Support of Motion filed by U.S. Commodity Futures Trading Commission, [139](#) Order, [31](#) Order on Motion to Appear Pro Hac Vice, [99](#) Notice (Other) filed by Valero Energy Corporation, Valero Marketing and Supply Company, [74](#) Notice (Other), Notice (Other) filed by Noble Americas Corp., [106](#) MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (*Corrected*). **Motion and supporting papers to be reviewed by Clerk's Office staff** MOTION for Crystal N. Y'Barbo to Appear Pro Hac Vice (*Corrected*). **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Plains All American Pipeline, LP, [15](#) MOTION for Elizabeth M. Bradshaw to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [61](#) Endorsed Letter, Set Hearings, [115](#) Order on Motion to Appear Pro Hac Vice, [10](#) Order Admitting Attorney Pro Hac Vice, [137](#) Notice of Filing Transcript, [14](#) MOTION for Brigitte T. Kocheny to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [38](#) Transcript, [82](#) Objection (non-motion), Objection (non-motion) filed by Valero Energy Corporation, Valero Marketing and Supply Company, [122](#) Order on Motion to Withdraw as Attorney, [2](#) MOTION for Christine Ryall, Joan Manley, Paul G. Hayeck, Jennifer Diamantis to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, [23](#) Rule 7.1 Corporate Disclosure Statement filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Parnon Energy Inc., [95](#) Objection (non-motion) filed by ConAgra Foods, Inc., [92](#) Objection (non-motion) filed by Shell Oil Company, [76](#) Notice (Other), Notice (Other) filed by Castleton Commodities International LLC, [51](#) Order on Motion to Dismiss, [100](#) MOTION for

Keith J. Barnett to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8645311. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by Vitol S.A., [35](#) Rule 26(f) Discovery Plan Report filed by U.S. Commodity Futures Trading Commission, [40](#) MOTION to Dismiss filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [11](#) Order Admitting Attorney Pro Hac Vice, [129](#) Declaration in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [78](#) Response to Discovery filed by Chevron U.S.A. Inc., [141](#) Notice of Appeal, filed by Castleton Commodities International LLC, Vitol, Inc., Plains All American Pipeline, LP, Vitol Capital Management Ltd., [126](#) MOTION for Protective Order *and Enforcement of Stipulated Protective Order* filed by U.S. Commodity Futures Trading Commission, [6](#) Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, [140](#) Letter, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [131](#) Declaration in Opposition to Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [64](#) Scheduling Order, [124](#) MOTION for Luke Blair Marsh to Appear Pro Hac Vice. **Motion and supporting papers to be reviewed by Clerk's Office staff** filed by U.S. Commodity Futures Trading Commission, [56](#) Answer to Complaint filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [30](#) Declaration in Support of Motion, filed by U.S. Commodity Futures Trading Commission, [27](#) Order for Initial Pretrial Conference, [49](#) Reply Memorandum of Law in Support of Motion filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [21](#) Order on Motion to Appear Pro Hac Vice, [41](#) Declaration in Support of Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [142](#) MOTION to Stay re: [139](#) Order, filed by Castleton Commodities International LLC, Vitol, Inc., Plains All American Pipeline, LP, Vitol Capital Management Ltd., [45](#) Order on Motion to Appear Pro Hac Vice, [114](#) Order on Motion to Appear Pro Hac Vice, [81](#) Notice of Appearance filed by Plains All American Pipeline, LP, [53](#) Notice of Change of Address, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [62](#) Notice of Appearance filed by U.S. Commodity Futures Trading Commission, [120](#) Notice of Appearance filed by Plains All American Pipeline, LP, [128](#) Memorandum of Law in Support of Motion filed by U.S. Commodity Futures Trading Commission, [39](#) Notice of Filing Transcript, [29](#) MOTION for Jennifer Ann Diamantis to Withdraw as Attorney *Motion for Withdrawal of Appearance of Jennifer A. Diamantis as Co-Counsel for Plaintiff* filed by U.S. Commodity Futures Trading Commission, [48](#) Declaration in Support of Motion, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [73](#) Endorsed Letter, [25](#) MOTION for Mark R. Haskell to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., [96](#) Notice of Change of Address, filed by MacQuarie Bank Limited, [36](#) Scheduling Order, [138](#) LETTER MOTION for Extension of Time addressed to Judge William H. Pauley, III from Paul Hayeck dated October 9, 2013

		filed by U.S. Commodity Futures Trading Commission, 97 Objection (non-motion) filed by Castleton Commodities International LLC, 104 Response to Motion filed by U.S. Commodity Futures Trading Commission, 136 Transcript, 69 Endorsed Letter, 65 Transcript, 12 Order Admitting Attorney Pro Hac Vice, 63 Endorsed Letter, Set Hearings, 20 Order on Motion to Appear Pro Hac Vice, 16 MOTION for Saadeh Al-Jurf to Appear Pro Hac Vice filed by U.S. Commodity Futures Trading Commission, 43 Order Striking Document from Record, 116 Order on Motion to Appear Pro Hac Vice, 59 Protective Order, 90 Declaration in Support of Motion filed by Plains All American Pipeline, LP, 13 MOTION for Timothy J. Carey to Appear Pro Hac Vice filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 34 Endorsed Letter, Set Hearings, 47 Memorandum of Law in Opposition to Motion, filed by U.S. Commodity Futures Trading Commission, 123 Order on Motion to Appear Pro Hac Vice, 105 Order on Motion to Appear Pro Hac Vice, 4 Waiver of Service Executed filed by U.S. Commodity Futures Trading Commission, 134 Transcript, 86 Objection (non-motion) filed by MacQuarie Bank Limited, 77 Notice of Appearance filed by Shell Oil Company, Gavilon, LLC, Morgan Stanley Capital Group, Inc., 103 Notice of Appearance filed by Chevron Products Company, 146 Order on Motion for Extension of Time, 148 Notice of Interlocutory Appeal, filed by Shell Oil Company, Morgan Stanley Capital Group, Inc., 147 Letter, filed by U.S. Commodity Futures Trading Commission, 143 Letter, filed by Arcadia Energy (Suisse) SA, Arcadia Petroleum Ltd., Nicholas J. Wildgoose, James T. Dyer, Parnon Energy Inc., 145 Order on Motion to Appear Pro Hac Vice, 144 Letter filed by Plains All American Pipeline, LP, were transmitted to the U.S. Court of Appeals. (tp) (Entered: 11/08/2013)
11/08/2013	149	MEMORANDUM & ORDER: For the foregoing reasons, the non-party objectors' motion for a stay pending interlocutory appeal is denied. (Signed by Judge William H. Pauley, III on 11/8/2013) (rsh) (Entered: 11/08/2013)
11/12/2013	150	MODIFIED STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge William H. Pauley, III on 11/12/2013 (as per Chambers)) (mro) Modified on 11/13/2013 (mro). (Entered: 11/13/2013)

PACER Service Center			
Transaction Receipt			
11/13/2013 10:46:58			
PACER Login:	ve0005	Client Code:	PLA305-16001-102858
Description:	Docket Report	Search Criteria:	1:11-cv-03543-WHP
Billable Pages:	30	Cost:	3.00

Exhibit C



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
U.S. COMMODITY FUTURES
TRADING COMMISSION, :

Plaintiff, : 11 Civ. 3543 (WHP)

-against- : MEMORANDUM & ORDER

PARNON ENERGY INC., ARCADIA
PETROLEUM LTD, ARCADIA
ENERGY (SUISSE) SA, NICHOLAS J.
WILDGOOSE AND JAMES T. DYER,

Defendants. :

-----X
IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION : Master File No.
11 Civ. 3600 (WHP)

THIS DOCUMENT RELATES TO:

ALL MATTERS :
-----X

WILLIAM H. PAULEY III, District Judge:

On October 25, 2013 this Court issued an Order (the "October Order") denying in part the motions of non-party objectors Vitol, S.A., Vitol, Inc., Vitol Capital Management, Castleton Commodities International LLC, and Plains All American Pipeline LP for protective orders in connection with discovery in this putative class action, 11 Civ. 3600 (WHP) and the related Commodity Futures Trading Commission ("CFTC") enforcement action, 11 Civ. 3543 (WHP). The non-party objectors now seek a stay of the October Order pending their

interlocutory appeal. For the following reasons, the non-party objectors' request for a stay is denied.

DISCUSSION

I. Background

On May 24, 2011, the CFTC filed suit against Parnon Energy, Inc., Arcadia Petroleum, Ltd., Arcadia Energy (Suisse), SA, Nicholas J. Wildgoose, and James T. Dyer (collectively, "Parnon"), alleging that from late 2007-April 2008 Defendants executed a scheme to manipulate the price of crude oil futures in violation of the Commodity Exchange Act (the "CFTC Action"). On May 26, 2011, the private plaintiffs filed a related putative class action against Parnon. Other actions ensued. In connection with the enforcement action, the CFTC produced to Parnon certain documents it received from non-party participants in the physical and futures markets for West Texas Intermediate ("WTI") crude oil.

The non-party objectors sought a protective order prohibiting Parnon from producing the CFTC documents to the private plaintiffs. They argued that good cause for a protective order existed because the private plaintiffs are their competitors and the documents contain proprietary information, some of which is irrelevant to the class action. They also argued that the CFTC was not permitted to produce the non-party documents to Parnon in the first place, and that dissemination to other competitors would cause further injury. This Court concluded that modified protective orders would safeguard the non-party objectors' information while allowing for fair and robust discovery regarding private plaintiffs' claims. Under the modified protective orders, non-party documents designated "highly confidential" would be subject to review only by the parties' attorneys, experts, deposition witnesses, and the authors or

recipients of a document, as well as one employee of Parnon and one employee of the private plaintiffs collectively. (See, e.g., Proposed Modified Stipulated Protective Order dated Oct. 29, 2013, (“Modified Protective Order”), Docket No. 165, 11 Civ. 3600 (WHP) at 6-7.)

The modified protective orders prohibit the use of information for any purpose other than prosecuting or defending the class action or the CFTC action, including for any business purposes. (Modified Protective Order at 2-3.) Everyone reviewing “highly confidential” information is required to abide by the modified protective orders, either as a signatory or through execution of an acknowledgement of compliance, except for authors, senders, addressees or copy recipients of documents, who have presumably already seen them. (Modified Protective Order at 7-8.) A disclosing party must use “reasonable best efforts” to cause authors, senders, addressees or copy recipients of documents to sign the acknowledgement of compliance. (Modified Protective Order at 7.) The non-party objectors appealed the October Order and now seek to stay its enforcement.

II. Non-Party Objectors’ Motion for a Stay Pending Appeal

In determining whether to stay an order pending interlocutory appeal, courts consider “(1) whether the movant will suffer irreparable injury absent a stay, (2) whether a party will suffer substantial injury if a stay is issued, (3) whether the movant has demonstrated a ‘substantial possibility, although less than a likelihood, of success’ on appeal, and (4) the public interests that may be affected.” First City, Texas-Houston, N.A. v. Rafidain Bank, 131 F. Supp. 2d 540, 543 (S.D.N.Y. 2001) (quoting LaRouche v. Kezer, 20 F.3d 68, 72 (2d Cir.1994)). “[S]tays pending appeal are the exception, not the rule.” In re Norwich Historic Preservation Trust, LLC, No. 3:05CV12(MRK), 2005 WL 977067, at *4 (D. Conn. Apr. 21, 2005).

A stay is inappropriate here because the non-party objectors fail to demonstrate irreparable harm. This Court's October Order noted that the non-party objectors had offered only speculative competitive harm as opposed to the "defined, specific and serious injury" warranting the exclusion of their stale business information from even limited review under the modified protective orders. See, e.g., In re Terrorist Attacks on Sept. 11, 2001, 454 F. Supp. 2d 220, 222 (S.D.N.Y. 2006). Importantly, the non-party objectors' alleged irreparable harm rests on the faulty premise that competitive injury would flow from the very act of producing the non-party documents to private plaintiffs. But the modified protective orders prohibit the use of those documents for any purpose other than prosecuting and defending these actions. Thus, competitive injury could only result from a party's breach of its obligations under the modified protective orders. The non-party objectors make no showing that such a violation is likely to occur.

Non-party objectors also argue that they would suffer irreparable harm because the denial of a stay risks mootng any appeal of significant claims of error. Limited disclosure pursuant to a protective order that prohibits use of the information for business purposes does not raise a significant claim of error. And a "majority of courts have held that a risk of mootness, standing alone, does not constitute irreparable harm." In re Adelphia Commc'ns Corp., 361 B.R. 337, 347 (S.D.N.Y. 2007). Nor is this Court persuaded that the non-party objectors have articulated a substantial possibility of success on the merits given the limited review their documents are subject to under the modified protective orders.

Moreover, there is no public interest warranting a stay. The non-party objectors argue that dissemination of their documents to private plaintiffs would severely inhibit future

cooperation with government investigations. But as discussed in the October Order, the production of the non-party objectors' documents in subsequent litigation was foreseeable, and the modified protective orders offer sufficient protection. See, e.g., CFTC General Statement of Routine Uses, Privacy Act Issuances, 1991 Comp., Vol. IV. at 144-145. The public interest weighs in favor of moving forward expeditiously with these actions, which allege serious manipulations of the WTI crude oil physical and futures markets. See Daniels v. City of N.Y., 138 F. Supp. 2d 562, 565 (S.D.N.Y. 2001) ("expeditious resolution" of matters of public concern is in the public's best interest).

CONCLUSION

For the foregoing reasons, the non-party objectors' motion for a stay pending interlocutory appeal is denied.

Dated: November 8, 2013
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

All Counsel of Record.

Exhibit D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
:
U.S. COMMODITY FUTURES
TRADING COMMISSION, :USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/11/13

Plaintiff, : 11 Civ. 3543 (WHP)

-against- : ORDERPARNON ENERGY INC., ARCADIA
PETROLEUM LTD, ARCADIA
ENERGY (SUISSE) SA, NICHOLAS J.
WILDGOOSE AND JAMES T. DYER,
:
Defendants.-----X
:
IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION : Master File No.
11 Civ. 3600 (WHP)-----
THIS DOCUMENT RELATES TO:
ALL MATTERS :
-----X

WILLIAM H. PAULEY III, District Judge:

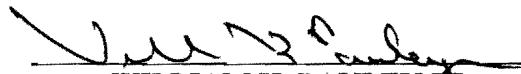
To avoid *seriatim* challenges to the production of documents in In Re Crude Oil Commodity Futures Litigation, 11 Civ. 3600 and afford an opportunity for all interested third parties to be heard, this Court establishes the following schedule:

1. Any third party objection to the Putative Class Plaintiffs' First Request for the Production of Documents, made pursuant to the Stipulated Protective Order entered on June 25, 2012 in United States Commodity Futures Trading Commission v. Parnon Energy et al., 11 Civ. 3543 (Docket No. 59), shall be filed on the dockets of 11 Civ. 3543 and 11 Civ. 3600 by June 21, 2013;
2. Any response to objections shall be filed by June 28, 2013;

3. Any objecting party, along with the CFTC, the Putative Class Plaintiffs, and the Defendants to both 11 Civ. 3543 and 11 Civ. 3600 are directed to appear for a hearing on any objections on July 1, 2013 at 2:00 p.m. in Courtroom 20B of the Daniel Patrick Moynihan United States Courthouse;
4. Interim Class Counsel in 11 Civ. 3600 are directed to serve a copy of this Order on any third party whose documents were produced to Defendants by the CFTC forthwith; and
5. The Clerk of Court is directed to file this Order on the dockets of 11 Civ. 3543 and 11 Civ. 3600.

Dated: June 11, 2013
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

All Counsel of Record.

Exhibit E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
U.S. COMMODITY FUTURES

TRADING COMMISSION, :
:

Plaintiff, : 11 Civ. 3543 (WHP)

-against- : MEMORANDUM & ORDER

PARNON ENERGY INC., ARCADIA
PETROLEUM LTD, ARCADIA
ENERGY (SUISSE) SA, NICHOLAS J. :
WILDGOOSE AND JAMES T. DYER,

Defendants.
:
-----X
:

IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION : Master File No.
11 Civ. 3600 (WHP)

THIS DOCUMENT RELATES TO:
ALL MATTERS :
-----X

WILLIAM H. PAULEY III, District Judge:

Non-party objectors Vitol, S.A., Vitol, Inc., Vitol Capital Management, Castleton Commodities International LLC, Plains All American Pipeline LP, Gavilon LLC, Shell Oil Company, ConAgra Foods, Inc., Chevron Products Company, Morgan Stanley Capital Group, and Tradition Financial Services (collectively, the “non-party objectors”) seek a protective order prohibiting the production of documents they provided to the Commodity Futures Trading Commission (“CFTC”) in connection with its investigation of the crude oil trading market. For the following reasons, the parties to the class action and the CFTC action are directed to submit

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>10/25/13</u>

modified protective orders that require any third-party or party-employee witness to a deposition—who is not a producing party, author, sender, addressee or copy recipient of any non-party document designated “highly confidential”—to execute a declaration of compliance with the protective order before viewing any such document. (See Class Action Stipulated Protective Order dated 4/30/12 (the “Class Action Protective Order”), Dock. No. 59, 11 Civ. 3600 (WHP) at 6-7; CFTC Stipulated Protective Order dated 6/25/12 (the “CFTC Protective Order”), Dock. No. 59, 11 Civ. 3543 (WHP) at 6-7.) With this modification, the protective orders are sufficient to protect the non-party objectors’ interests and there is no good cause for any further relief.¹

DISCUSSION

I. Background

On May 24, 2011, the CFTC filed suit against Parnon Energy, Inc., Arcadia Petroleum, Ltd., Arcadia Energy (Suisse), SA, Nicholas J. Wildgoose, and James T. Dyer (“Parnon”), alleging that from late 2007-April 2008 Defendants executed a scheme to manipulate the price of crude oil futures in violation of the Commodity Exchange Act. In connection with that enforcement action, the CFTC produced to Parnon certain documents it received from non-party participants in the physical and futures markets for West Texas Intermediate (“WTI”) crude oil. The CFTC gave the non-party documents temporary “highly confidential” designations pursuant to the CFTC Protective Order, with the intention of seeking the non-party objectors’ input on permanent designations at a later time. (CFTC Resp. to Objections by Third

¹ Should any witness decline to execute a declaration of compliance before deposition, any party may make an appropriate application to this Court.

Parties dated 6/28/13 at 7.) Accordingly, Parnon's review of those documents was limited to the parties' attorneys, experts, witnesses, and the authors or recipients of a document, as well as one Parnon employee. (CFTC Protective Order at 6-7.) While the designated Parnon employee and the parties' experts "shall execute" a declaration of compliance before reviewing highly confidential information, the parties must only use their "reasonable best efforts" to cause a witness examined by deposition to execute the declaration of compliance. (CFTC Protective Order at 6-7.) On May 26, 2011, Plaintiffs filed this putative class action against Parnon. The Class Action Protective Order provides for the same review of highly confidential documents (including one employee of the Plaintiffs). Plaintiffs now seek the documents Parnon received from the CFTC as discovery in the class action. Specifically, Plaintiffs seek:

126. All documents or communications concerning the United States domestic crude oil industry, trading of physical crude oil and/or trading of NYMEX WTI calendar spreads with any of the following entities, their affiliates and/or agents thereof during the relevant period [Jan. 1, 2008-May 15, 2008] [including Chevron Products Company, ConAgra Trade Group, Inc./Gavilon, Morgan Stanley Capital Group, Inc. - New York, Plains All American Pipeline LP, Shell Trading (US) Company, TFS Brokers, and Vitol SA Geneva.]

[and]

135. All document requests, interrogatories, subpoenas and any other discovery issued by or to the Defendants in [CFTC v. Parnon, No. 11 Civ. 3543 (WHP) (S.D.N.Y.)] and all responses, objections and any documents or other information produced in response thereto. For the avoidance of doubt, this request includes, but is not limited to, all document[] production[s] by the CFTC to the Defendants in [CFTC v. Parnon, No. 11 Civ. 3543 (WHP) (S.D.N.Y.)].

(Pls.' Doc. Request Nos. 126 and 135, dated April 16, 2013.)

Non-party objectors who produced documents to the CFTC—that are now in Parnon's hands and thus responsive to Request Nos. 126 and 135—object to disclosure of

sensitive trading information to Plaintiffs. They claim that the stipulated protective orders in the class action and the CFTC action are inadequate to protect their interests, because the document requests seek competitive, proprietary information, much of which is irrelevant to the allegations in the class complaint. Further, witnesses need not execute a declaration of compliance before viewing this information. Some of the non-party objectors also complain that the CFTC did not notify them or permit them to make confidentiality designations in accord with the CFTC Protective Order before their documents were produced to Parnon. They suggest that allowing their voluntary production to the CFTC to be further disseminated to their competitors in the class action inhibits fulsome cooperation with government investigations.

II. Legal Standard

Rule 26(c) authorizes a federal court, for good cause, to issue “an order to protect a party or person [from whom discovery is sought] from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c). District Courts have wide discretion under Rule 26(c) to “decide when a protective order is appropriate and what degree of protection is required.” Seattle Times Co. v. Rhinehart, 467 U.S. 20, 36 (1984); Dove v. Atl. Capital Corp., 963 F.2d 15, 20 (2d Cir. 1992). The party seeking a protective order has the burden of showing that good cause exists for issuance of that order. Gambale v. Deutsche Bank AG, 377 F.3d 133, 142 (2d Cir. 2004) (quoting In re Agent Orange Prod. Liab. Litig., 821 F.2d 139, 145-46 (2d Cir. 1997), superseded by statute on other grounds as stated in In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig., 255 F.R.D. 308, 319 n.4 (2d Cir. 2009)). “Ordinarily, good cause exists when a party shows that disclosure will result in a clearly defined, specific and serious injury.” In re Terrorist Attacks on Sept. 11, 2001, 454 F. Supp. 2d 220, 222 (S.D.N.Y.

2006) (internal quotations omitted). This standard applies when parties seek to maintain “the confidential treatment of business information on the ground that it is commercially sensitive and would cause harm if known by a competitor.” Koch v. Greenberg, No. 07 Civ. 9600 (BSJ) (DF), 2012 WL 1449186, at *2 (S.D.N.Y. Apr. 13, 2012) (citing In re Parmalat Sec. Litig., 258 F.R.D. 236, 244 (S.D.N.Y. 2009)).

III. The Non-Party Objections

The non-party objectors articulate similar concerns. First, each non-party argues that it produced proprietary information to the CFTC that would cause competitive harm if seen by Plaintiffs or made public. The proprietary information includes, *inter alia*, documents revealing customer contracts, pricing, trading strategies, profit and loss data, and oil supply inventories. While most of the documents pre-date 2009, the objectors claim their release would still be harmful because it could help competitors evaluate their current practices. See Grand River Enters. Six Nations, Ltd. v. King, No. 02 Civ. 5068 (JFK), 2009 WL 222160, at *2 (S.D.N.Y. Jan. 30, 2009) (finding protective order for non-party’s “stale” business information was still warranted because “[a] competitor such as Plaintiff (or its consultants) could use [the information] as a guide to replicate [the non-party’s] methods of analysis and predict [the non-party’s] next strategic moves”).

Of course, Parnon itself competes with many of the non-party objectors and already possesses the documents at issue. And despite the protective orders in place, the non-party objectors contend that review by even one of the Plaintiffs could cause them competitive harm. They argue that Plaintiffs’ counsel will require interpretation of the documents from their clients and that such information will always remain in the back of their minds. (Hr’g Tr., dated

7/1/13 at 19.) The non-party objectors also contend that their productions to the CFTC went beyond the scope of the class complaint. Many non-parties produced documents dated outside the class period of December 1, 2007-May 31, 2008. Some non-parties also produced information regarding grades of crude oil other than WTI. Other objectors claim their documents are irrelevant because neither the CFTC nor the Plaintiffs have made allegations against their trading practices during the relevant time period.

While this Court is sensitive to the fact that even “stale” business information can be valuable in the hands of competitors, the non-party objectors fail to articulate a “defined, specific and serious injury” that warrants excluding their business information from limited review as contemplated by the protective orders, strictly for litigation purposes. See In re Terrorist Attacks on Sept. 11, 2001, 454 F. Supp. 2d at 222. Instead, the non-parties speculate as to the parties’ impermissible use of their information for competitive purposes, despite the fact that such use would be a clear violation of the protective orders currently in place. A modification requiring witnesses to execute a declaration of compliance before being shown highly confidential non-party information will further ensure that sensitive information is not used for improper purposes.

Further, the WTI market’s alleged switch between contango and backwardation is central to Plaintiffs’ manipulation and monopolization claims. Far from being irrelevant, documents indicating the perceptions and reactions of “innocent” non-party traders are highly probative of whether this phenomenon occurred and how it impacted the market. Information about the non-parties’ activities before and after the alleged manipulation is also relevant to provide a benchmark for activity in a non-manipulated market. See, e.g., In re Amaranth Natural

Gas Commodities Litig., 269 F.R.D. 366, 383-84 (S.D.N.Y. 2010). The information is also pertinent to Parnon’s statute of limitations defense, which is certain to be heavily litigated. Plaintiffs would be substantially prejudiced if they were excluded from viewing the same documents Parnon will use to mount this defense. And because Plaintiffs assert a monopolization claim, the substitutability of other grades of crude oil for WTI is also central to this case. The protective orders limiting highly confidential documents to the parties’ attorneys, experts, witnesses, authors and recipients of a document and one employee of each party strikes a balance between protecting the non-party objectors’ competitive information while allowing for the robust and fair litigation of Plaintiffs’ claims.

Finally, this Court addresses the policy concerns raised by the non-party objectors with respect to the CFTC’s successive production of documents, without prior notification or an opportunity to challenge those productions. The non-party objectors make much of the fact that many of them filed for FOIA-exempt status before handing over documents to the CFTC. See generally 5 U.S.C. § 522. Under 17 C.F.R. § 145.9, parties furnishing information to the CFTC may request that the information not be disclosed in response to a FOIA request. But this regulation does not govern the CFTC’s disclosure obligations in litigation. Friedman v. Bache Halsey Stuart Shields, Inc., 738 F.2d 1336, 1344 (D.C. Cir. 1984) (FOIA “offer[s] refuge from publication but not from court-supervised discovery.”); see also AVCO Fin. Corp. v. Commodity Futures Trading Comm’n, 929 F. Supp. 714, 719 (S.D.N.Y. 1996) (the confidentiality provisions of the Commodity Exchange Act “do not guarantee absolute confidentiality.”). In fact, the CFTC’s subpoenas and information requests to the non-party objectors specifically noted that any documents produced to the agency could be used for “routine uses” such as “[p]roviding

information in response to a subpoena issued in a proceeding to which the Commission is not a party" and use "in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party." See CFTC General Statement of Routine Uses, Privacy Act Issuances, 1991 Comp., Vol. IV. at 144-145. Because it was foreseeable to the non-party objectors that their documents might be produced in subsequent litigation, their policy concerns are overblown. This is no basis to deny Plaintiffs the use of relevant documents pursuant to the terms of the protective orders.

CONCLUSION

For the foregoing reasons, the non-party objections and motions for protective orders are granted in part and denied in part. The parties to the class action and the CFTC action are directed to submit a modified protective order that requires any witness to a deposition who is not a "producing party, author, sender, addressee or copy recipient" of any non-party document designated "highly confidential" to execute a declaration of compliance with the protective order before viewing any such document. Subject to entry of the modified protective orders, Parnon is directed to comply with Plaintiffs' document requests. Parnon may also review any non-party documents it has received from the CFTC, notwithstanding any non-party objections to the contrary. This Court encourages all parties to make good faith efforts to modify any excessive and unwarranted "highly confidential" designations in order to afford the fullest possible access. The Clerk of Court is directed to terminate the motion pending at Docket No. 117 in Case No. 11 Civ. 3600 (WHP).

Dated: October 25, 2013
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

All Counsel of Record.